

Chapter 21A.24
CRITICAL AREAS [Formerly ENVIRONMENTALLY SENSITIVE AREAS]

Sections:

21A.24.010	Purpose. [Amend]
21A.24.020	Applicability. [Amend]
21A.24.030	Appeals. [SAO section 81]
21A.24.040	((Sensitive)) <u>Critical</u> areas rules. [Amend]
21A.24.050	((Complete)) <u>Interpretation of exemptions and exceptions table.</u> [Amend]
21A.24.XXX	<u>Exemptions and exceptions.</u> [SAO section 82- New; amended]
21A.24.XXX	<u>Agricultural activities</u> [New]
21A.24.060	Partial exemptions. [Repeal]
21A.24.070	<u>Reasonable Use</u> ((F)) exceptions. [SAO section 84]
21A.24.075	<u>Director Modification</u> ((or waiver)) of ((sensitive)) <u>critical</u> area requirements ((urban lots)) . [SAO section 85]
21A.24.XXX	Major habitat evaluation option. [New]
21A.24.080	((Sensitive)) <u>Critical</u> area maps and inventories. [SAO section 86]
21A.24.090	Disclosure by applicant. [Amend]
21A.24.100	((Sensitive)) <u>Critical</u> area review. [Proposed Ordinance 2002-0211]
21A.24.110	((Sensitive)) <u>Critical</u> area ((special study)) <u>report requirement.</u> [SAO section 90]
21A.24.120	Contents of ((sensitive)) <u>critical</u> area ((special study)) <u>report.</u> [SAO section 91]
21A.24.XXX	Notification of critical area report requirement. [SAO section 92- New]
21A.24.130	Mitigation, maintenance, monitoring and contingency. [Repealed SAO section 93] [Amend and recodify to new mitigation chapter]
21A.24.140	Financial guarantees. [Recodify to new mitigation chapter with no amendments.]
21A.24.150	Vegetation management plan. [repealed]
21A.24.160	((Sensitive)) <u>Critical</u> area markers and signs. [Amend]
21A.24.170	Notice on title. [Amend - Proposed Ordinance 2002-0211][Amend]
21A.24.180	((Sensitive)) <u>Critical</u> area tracts and designations on site plans. [Amend - Proposed Ordinance 2002-0211]
21A.24.190	Alteration. [Recodify into K.C.C. chapter 21A.06]
21A.24.200	<u>Building setbacks.</u> [Amend]
21A.24.XXX	Coal mine hazard areas: classifications. [SAO section 98- New]
21A.24.210	Coal mine hazard areas: Development standards and ((permitted)) alterations. [SAO section 99]
21A.24.220	Erosion hazard areas: Development standards and ((permitted)) alterations. [SAO section 100]
21A.24.230	Flood hazard areas: Components. [SAO section 101]
21A.24.240	<u>Zero-rise</u> ((F)) flood fringe: Development standards and ((permitted)) alterations. [SAO section 102]
21A.24.250	Zero-rise floodway: Development standards and ((permitted)) alterations. [SAO section 103]
21A.24.260	FEMA floodway: Development standards and ((permitted)) alterations. [SAO section 104]
21A.24.270	Flood hazard areas: Certification by engineer or surveyor. [Amend]
21A.24.275	<u>Severe</u> ((C)) <u>channel</u> ((relocation and stream meander)) <u>migration</u> hazard area ((s)) -- <u>alterations allowed not requiring mitigation or minor habitat evaluation.</u> [Amend]

21A.24.XXX	Moderate channel migration hazard area: alterations allowed not requiring mitigation or minor habitat evaluation. [New]
21A.24.XXX	Channel migration zones: alterations allowed requiring mitigation and a minor habitat evaluation. [New]
21A.24.280	Landslide hazard areas: Development standards and ((permitted)) alterations. [SAO section 107 and SALT Section 112]
21A.24.290	Seismic hazard areas: Development standards and ((permitted)) alterations. [SAO section 108]
21A.24.300	Volcanic hazard areas: Development standards and ((permitted)) alterations. [SAO section 109]
21A.24.310	Steep slope hazard areas: Development standards and ((permitted)) alterations. [SAO section 110 and SALT 113]
21A.24.XXX	<u>Wetlands: Categories.</u> [New]
21A.24.320	Wetlands: ((Development standards)) <u>Buffers.</u> [SAO section 112]
21A.24.330	Wetlands: ((Permitted)) <u>Development standards and</u> alterations. [SAO section 113]
21A.24.340	Wetlands: mitigation requirements. [Recodified - See Mitigation chapter, section 12]
21A.24.345	Wetlands: Mitigation banking. [Recodified - See Mitigation chapter, section 13]
21A.24.350	Wetlands: Limited exemption. [Repealed - SAO section 116]
21A.24.XXX	Wetlands: Habitat evaluations and habitat management plans. [New]
21A.24.XXX	<u>Aquatic Areas: water types.</u> [New]
21A.24.XXX	Aquatic Areas: buffer and buffer width averaging. [New]
21A.24.360	((Streams)) <u>Aquatic Areas: development standards.</u> [Amend]
21A.24.XXX	Aquatic Areas: exemptions. [New]
21A.24.XXX	Aquatic Areas: short-form permits. [New]
21A.24.370	((Streams: Permitted)) <u>Aquatic Areas: allowed</u> alterations [Amend]
21A.24.380	((Streams:)) <u>Specific Mitigation requirements – aquatic area.</u> [Recodified - See Mitigation chapter, Section 15]
21A.24.390	((Sensitive)) <u>Critical</u> areas mitigation fee - Creation of fund. [Recodified - See Mitigation chapter, Section 17]
21A.24.400	((Sensitive)) <u>Critical</u> areas mitigation fee - Source of funds. [Recodified - See Mitigation chapter, Section 18]
21A.24.410	((Sensitive)) <u>Critical</u> areas mitigation fee - Use of funds. [Recodified - See Mitigation chapter, Section 19]
21A.24.420	((Sensitive)) <u>Critical</u> areas mitigation fee - Investment of funds. [Recodified - See Mitigation chapter, Section 20]
21A.24.XXX	<u>Fish and wildlife habitat conservation areas</u> - development. standards [New]
21A.24.XXX	Fish and wildlife habitat conservation areas - state Environmental Policy Act. [New]
21A.24.XXX	Fish and wildlife habitat conservation areas - alterations. [New]
21A.24.XXX	Fish and wildlife habitat conservation areas - review of proposed development or alteration. [New]
21A.24.XXX	Wildlife habitat ((corridors)) <u>networks</u> - applicability. [Amend and recodify K.C.C. 21A.14.260]
21A.24.XXX	Wildlife habitat ((corridors)) <u>networks</u> - design standards. [Amend and recodify K.C.C. 21A.14.270]
21A.24.500	((Sensitive)) <u>Critical</u> area designation. [SAO section 87 - adopted by Ordinance 14187]
21A.24.XXX	Conversion of designated critical areas. [New]
21A.24.510	Effect of approval of septic system design based on ((sensitive)) <u>critical</u> area Designation. [Amend]

NOTE: Sections amended are noted in brackets following the title. “SALT” means proposed Site Alteration Code pending at council (Proposed Ordinance 2000-0525). “SAO” means proposed amendments to the Sensitive Areas Ordinance (KCC 21A.24) pending at council (Proposed Ordinance 1999-0353).

1 SECTION 1. Ordinance 10870, Section 448, as amended, and K.C.C.

2 21A.24.010 are each hereby amended to read as follows:

3 **Purpose.** The purpose of this chapter is to implement the goals and policies of the
4 Growth Management Act, chapter 36.70A RCW, Washington ((§))state Environmental Policy
5 Act, ((RCW)) chapter 43.21C RCW, and the King County Comprehensive Plan, which call for
6 protection of the natural environment and the public health and safety by:

7 A. Establishing development and alteration standards to protect defined ~~((sensitive))~~
8 critical areas and public health and safety;

9 B. Protecting members of the public and public resources and facilities from injury, loss of
10 life, property damage or financial loss due to flooding, erosion, avalanche, landslides, seismic and
11 volcanic events, soil subsidence or steep slope failures;

12 C. Protecting unique, fragile and valuable elements of the environment including, but not
13 limited to, fish and wildlife and ~~((its))~~ their habitats, and maintaining and promoting countywide
14 native biodiversity;

15 D. Requiring mitigation of unavoidable impacts ~~((on environmentally sensitive areas))~~ to
16 critical areas, by regulating alterations in or near ~~((sensitive))~~ critical areas;

17 E. Preventing cumulative adverse environmental impacts on water availability, water
18 quality, ground water, wetlands and ~~((streams))~~ aquatic areas;

19 F. Measuring the quantity and quality of wetland and ~~((stream))~~ aquatic area resources and
20 preventing overall net loss of wetland and ~~((stream))~~ aquatic area functions;

21 G. Protecting the public trust as to navigable waters, ~~((and))~~ aquatic resources, and fish and
22 wildlife and their habitat;

H. Meeting the requirements of the National Flood Insurance Program and maintaining King County as an eligible community for federal flood insurance benefits;

I. Alerting members of the public including, but not limited to, appraisers, owners, potential buyers or lessees to the development limitations of ~~((sensitive))~~ critical areas; and

J. Providing county officials with sufficient information to protect ~~((sensitive))~~ critical areas. (Ord. 11621 § 69, 1994; 10870 § 448, 1993).

SECTION 2. Ordinance 10870, Section 449, and K.C.C. 21A.24.020 are each hereby amended to read as follows:

Applicability.

A. The provisions of this chapter shall apply to all land uses in King County, and all persons within the county shall comply with ~~((the requirements of))~~ this chapter.

B. King County shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water or vegetation or to construct or alter any structure or improvement without first ~~((assuring))~~ ensuring compliance with ~~((the requirements of))~~ this chapter.

C. Approval of a development proposal ~~((pursuant to the provisions of))~~ in accordance with this chapter does not discharge the obligation of the applicant to comply with ~~((the provisions of))~~ this chapter.

D. When ~~((any provision of))~~ any other chapter of the King County Code conflicts with this chapter or when the provisions of this chapter are in conflict, ~~((that))~~ the provision ~~((which))~~ that provides more protection to environmentally ~~((sensitive))~~ critical areas shall apply unless specifically provided otherwise in this chapter or unless ~~((such))~~ the provision conflicts with federal or state laws or regulations.

E. ~~((The provisions of))~~ This chapter shall apply to all forest practices over which the county has jurisdiction ~~((pursuant to RCW))~~ under chapter 76.09 RCW and ~~((WAC))~~ Title 222 WAC. (Ord. 10870 § 449, 1993).

SECTION 3. Ordinance 10870, Section 450, and K.C.C. 21A.24.030 are each hereby amended to read as follows: [SAO Section 81]

Appeals. Any decision to approve, condition or deny a development proposal based on ~~((the requirements of))~~ K.C.C. chapter 21A.24 may be appealed according to and as part of the appeal procedure for the permit or approval involved as provided in K.C.C. 20.20.020. (Ord. 10870 § 450, 1993).

SECTION 4. Ordinance 10870, Section 451, and K.C.C. 21A.24.040 are each hereby amended to read as follows:

~~((Sensitive))~~ **Critical areas rules.** Applicable departments within King County are authorized to adopt, ~~((pursuant to))~~ in accordance with K.C.C. chapter 2.98, such administrative rules and regulations as are necessary and appropriate to implement K.C.C. chapter 21A.24 including establishing appropriate educational and training qualifications necessary to conduct allowed alterations, and to prepare and require the use of such forms as are necessary to its administration. (Ord. 10870 § 451, 1993).

SECTION 5. Ordinance 10870, Section 452, as amended, and K.C.C. 21A.24.050 are each hereby amended to read as follows:

~~((Complete))~~ Interpretation of exemptions and exception table. ~~((The following are exempt from the provisions of this chapter and any administrative rules promulgated thereunder:))~~

67 A. ~~((Alterations in response to emergencies which threaten the public health, safety and~~
68 ~~welfare or which pose an imminent risk of damage to private property as long as any alteration~~
69 ~~undertaken pursuant to this subsection is reported to the department immediately. The director~~
70 ~~shall confirm that an emergency exists and determine what, if any, mitigation shall be required to~~
71 ~~protect the health, safety, welfare and environment and to repair any resource damage;~~

72 B. ~~Agricultural activities as described below, in existence before November 27, 1990, and~~
73 ~~performed not less often than once every five years thereafter:~~

- 74 1. ~~Mowing of hay, grass or grain crops;~~
- 75 2. ~~Tilling, discing, planting, seeding, harvesting, soil preparation, crop rotation and~~
76 ~~related activities for pasture, food crops, grass seed or sod if such activities do not take place on~~
77 ~~steep slopes;~~
- 78 3. ~~Normal and routine maintenance of existing irrigation and drainage ditches not used by~~
79 ~~salmonids;~~
- 80 4. ~~Normal and routine maintenance of farm ponds, fish ponds, manure lagoons and~~
81 ~~livestock watering ponds; and~~
- 82 5. ~~grazing by livestock.~~

83 C. ~~Public water, electric and natural gas distribution, public sewer collection, cable~~
84 ~~communications, telephone utility and related activities undertaken pursuant to county approved~~
85 ~~best management practices, as follows:~~

- 86 1. ~~Normal and routine maintenance or repair of existing utility structures or rights-of-~~
87 ~~way;~~

2. ~~Relocation of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of fifty five thousand volts or less, only when required by a local governmental agency which approves the new location of the facilities;~~

3. ~~Replacement, operation, repair, modification, installation or construction in existing developed utility corridors, an improved county road right of way or county authorized private roadway of all electric facilities, lines, equipment or appurtenances, not including substations;~~

4. ~~Relocation of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment or appurtenances, only when required by a local governmental agency which approves the new location of the facilities;~~

5. ~~Replacement, operation, repair, modification, installation or construction of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment or appurtenances when such facilities are located within an improved public right of way or county authorized private roadway;~~

D. ~~Maintenance, operation, repair, modification or replacement of publicly improved roadways as long as any such alteration does not involve the expansion of roadways or related improvements into previously unimproved rights of way or portions of rights of way;~~

E. ~~Maintenance, operation or repair of publicly improved recreation areas as long as any such alteration does not involve the expansion of improvements into previously unimproved recreation areas;~~

F. ~~Public agency development proposals only to the extent of any construction contract awarded before November 27, 1990, provided that any law or regulation in effect at the time of such award shall apply to the proposal;~~

~~G. All clearing and grading activities which are exempt from the requirement for a clearing and grading permit as specified in K.C.C. 16.82.050, unless these activities require other permits or authorizations as specified in K.C.C. 21A.24.020.~~

~~H. The following exempt activities are permitted in coal mine hazard areas, provided that the applicable landowner, operator or utility is made aware of potential hazards:~~

~~1. Forest practices;~~

~~2. Agricultural activities;~~

~~3. Mining activities;~~

~~4. Power, telephone, and cable television utility lines;~~

~~5. Grading, filling, stockpile removal, and reclamation activities performed in conjunction with or by the Department of Interior's Office of Surface Mining, Reclamation and Enforcement with the intent of eliminating or mitigating threats to human health, public safety, environmental restoration or protection of property; and~~

~~6. Land uses and activities that existed prior to November 30, 1998.))~~

The exemptions and exceptions table in this chapter identifies whether a specific activity, or alteration, is allowed within a particular critical area and whether or not a permit must be obtained. The critical areas are indicated on the column headings and the specific activities are listed in the first column of the table.

1. If no symbol appears in the box at the intersection of the column and the row, the activity is subject to all relevant standard requirements in K.C.C. chapter 21A.24.

2. If the letter "X" appears in the box at the intersection of the column and the row, the activity is exempted from the requirements in K.C.C. chapter 21A.24 for that critical area.

132 3. If the letter “E” appears in the box at the intersection of the column and the row, the
133 activity is excepted from the requirement to obtain a permit before undertaking the activity in the
134 critical area.

135 4. If a number appears in the box at the intersection of the column and the row, the
136 activity may be exempted or excepted, as specified in subsections A.2 and 3 of this section, but is
137 subject to the limitations or conditions associated with the corresponding number in subsection B
138 of section 6 of this ordinance.

139 5. If more than one letter-number combination appears in the box at the intersection of
140 the column and the row, the activity is subject to all of the limitations and conditions associated
141 the corresponding numbers in subsection B of section 6 of this ordinance.

142 (Ord. 13319 § 6, 1998: Ord. 11621 § 71, 1994: 10870 § 452, 1993).

143 NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 21A.24 a new
144 section to read as follows: [SAO Section 82 amended K.C.C. 21A.24.050][amended to table
145 format]

146 A. Exemptions and Exceptions

KEY		C O H A L Z A M I N E	S E H I A S Z M A I R C D	V O H L A C Z A A N R I C	E R O A S Z I A O R N D	S T H E A E Z P A R S D L O P E	L A H N A D Z A S L I D E	W I L D R I D O R	F L O A Z A R D	C H M I N G R E A T I O N	W E T L A N D S	A Q U A T I C	
X-Exempted activity	E-Excepted activity												
SPECIFIC ACTIVITY													
Clearing and Grading													
Clearing		X,E1	X,E1	X,E1					X,E1				
Clearing in a roadway		X,E	X,E	X,E	X2, E2	X2, E2	X2, E2	X2, E2	X2, E2	X2, E2	X2, E2	X2, E2	
Grading in a roadway					X, E	X3, E3	X4, E4				X4, E4	X5, E5	
Grading		X6, E6	X6, E6	X6, E6	X6, E6					X6, E6			
Mining		X7											
Removal of noxious weeds		X, E	X,E	,EX	X8, E8	X8, E8	X8, E8	X8, E8	X, E	X, E	X8, E8	X8, E8	
Excavation of cemetery graves		X,E	X, E	X, E	X, E	X, E	X, E		X, E	X, E	X, E	X, E	
Clearing or grading as Class I, II, III, IV-S in F-zone		X9, E	X9, E	X9, E	X9, E	X9, E	X9, E	X9, E	X9, E	X9, E	X9, E	X9, E	
Clearing or grading as Class I, II, III, IV-S in A or RA-zones		X10, E11	X10, E11	X10, E11	X10, E11	X10, E11	X10, E11	X10, E11	X10, E11	X10, E11	X10, E11	X10, E11	
Emergency tree removal		X12, E12	X12, E12	X12, E12	X12, E12	X13, E14	X13, E13	X12, E12	X13, E13	X13, E13	X13, E13	X13, E13	
Cutting of 1 cord of firewood per. year											X14,	X14,	
Removal of brush											X15,	X15,	
Tree planting and seeding											X16,	X16,	
Removal of non-native invasive plants											X8, E8	X8, E8	
Maintenance and Repair													
Maintenance of cemetery graves		X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	
Maintenance of lawns and landscaping		X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	
Maintenance of driveways or private access roads		X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	
Maintenance of outdoor public park facilities and public parks and trails		X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	
Maintenance of public and private golf courses		X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	X17, E17	
Maintenance of roadside ditch		X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	
Maintenance of culverts		X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	X17, 18 E17, 18	X17, 18, 19 E17, 18, 19	

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KEY												
X-Exempted activity												
E-Excepted activity												
		C O H A L Z A M I N E	S E H I A S Z M A I R C D	V O H L A C Z A A N R I D C	E R H O A S Z I A O R N D	S T H E A E Z P A R S D L O P E	L A H A N A D Z S A L R I D E	W I C O L D R I I D O R	F L O A O Z A R D	C H M I A N G R E A T I O N	W E T L A N D S	A Q U A T I C
SPECIFIC ACTIVITY												
Maintenance of cut or engineered slopes		X17, 18, 20 E17, 18, 20	X17, 18, 20 E17, 18, 20	X17, 18, 20 E17, 18, 20	X17, 18, 20 E17, 18, 20	X17, 18, 20 E17, 18, 20	X17, 18, 20 E17, 18, 20	X17, 18, 20 E17, 18, 20	X17, 18, 20 E17, 18, 20	X17, 18, 20 E17, 18, 20	X17, 18, 20 E17, 18, 20	
Maintenance of drainage facilities		X17, 21, E17, 21	X17, 21, E17, 21	X17, 21, E17, 21	X17, 21, E17, 21	X17, 21, E17, 21	X17, 21, E17, 21	X17, 21, E17, 21	X17, 21, E17, 21	X17, 21, E17, 21	X17, 21, E17, 21	
Maintenance and repair of flood protection facilities		E22	E22	E22	E22	E22	E22	E22	E22	E22	E22	
Other General Activities												
Fish habitat enhancement projects										X23, E23	X23, E23	X23, E23
Minor aquatic area or wetland restoration										X24, E24	X24, E24	X24, E24
Scientific sampling for salmonids										X25, E25	X25, E25	X25, E25
Deposition or covering of garbage or rubbish		X26, E26	X26, E26	X26, E26	X26, E26	X26, E26	X26, E26	X26, E26	X26, E26	X26, E26	X26, E26	X26, E26
Replacement or structural modification of or addition to structures not single detached dwelling unit		X27, 28	X27, 28	X27, 28	X27, 28	X27, 28	X27, 28	X27, 28	X27, 28	X27, 28	X27, 28	X27, 28
Replacement or structural modification of or addition to single detached dwelling unit structures		X27, 29	X27, 29	X27, 29	X27, 29	X27, 29	X27, 29	X27, 29	X27, 29	X27, 29	X27, 29	X27, 29
Maintenance of structure		X27, 30	X27, 30	X27, 30	X27, 30	X27, 30	X27, 30	X27, 30	X27, 30	X27, 30	X27, 30	X27, 30

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KEY												
X-Exempted activity E-Excepted activity		C O H A A L Z A M R D I N E	S E H I A S Z M A I R C D	V O H L A C Z A A R D I C	E R H O A S I A O R D N	S T H E A E Z P A R S D L O P E	L A H A N D Z S A R L I D E	W I C O R R I D O R	F L O O Z A R D	C H M I N G R A T I O N	W E T L A N D S	A Q U A T I C
SPECIFIC ACTIVITY												
Agricultural Activities												
Mowing hay, grass or grain crops	X,E	X,E	X,E	X,E	X, E31	X, E31	X, E	X, E	X, E	X, E	X, E31	X, E31
Tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activities for pasture, crops, grass seed or sod	X, E39	X, E39	X, E39	X, E39			X, E39	X, E39	X, E39	X, E39	X, E31 39	X, E31 39
Commercial orchards	X, E39	X, E39	X, E39	X, E39	X, E31 39	X, E31 39	X, E39	X, E39	X, E39	X, E39	X, E31 39	X, E31 39
Nurseries	X, E39	X, E39	X, E39	X, E39	X, E31 39	X, E31 39	X, E39	X, E39	X, E39	X, E39	X, E31 39	X, E31 39
Hybrid poplar tree farms	X, E39	X, E39	X, E39	X, E39	X, E31 39	X, E31 39	X, E39	X, E39	X, E39	X, E39	X, E31 39	X, E31 39
Christmas tree farms	X, E39	X, E39	X, E39	X, E39	X, E31 39	X, E31 39	X, E39	X, E39	X, E39	X, E39	X, E31 39	X, E31 39
Rotation of fields between horticulture and livestock	X, E32 39	X, E32 39	X, E 32 39	X, E32 39	X, E31 32 39	X, E31 32 39	X, E32 39	X, E32 39	X, E32 39	X, E32 39	X, E31 32 39	X, E31 32 39
Livestock Activities												
Grazing livestock	X, E33	X, E33	X, E33	X, E33	X, E31 33	X, E31 33					X, E31 33	X, E31 33
Livestock manure storage facilities	X, E34	X, E34	X, E34	X, E34	X, E31 34	X, E31 34	X, E34	X, E34	X, E34	X, E34	X, E31 34	X, E31 34
Agricultural maintenance												
Agricultural ditch	X38, E 36	X38, E 36	X38, E 36	X38, E 36	X38, E31 36	X38, E31 36	X38, 36	X38, E 36	X38, E 36	X38, E 36	X38, E31 36	X38, E31 36
Agricultural culvert	X38, E 37	X38, E 37	X38, E 37	X38, E 37	X38, E31 37	X38, E31 37	X38, E 37	X38, E 37	X38, E 37	X38, E 37	X38, E31 37	X38, E31 37
Farm ponds, fish ponds, livestock watering ponds	X, E	X, E	X, E	X, E	X, E31	X, E31	X, E	X, E	X, E	X, E	X, E31	X, E31
GENERAL CROSS REFERENCES: Exemptions/Exceptions Instructions, see K.C.C. 21A.24.050												

149

- 150
- 151 B. Activity conditions:
- 152 1. Exception does not apply to:
- 153 a. activities regulated as a Class IV forest practice,
- 154 b. critical drainage areas established by administrative rules,
- 155 c. property-specific development standards and special district overlays in accordance
- 156 with to K.C.C. chapter 21A.38, or
- 157 d. areas with clearing standards in accordance with K.C.C. 16.82.150 as recodified;
- 158 2. Only if the clearing does not involve the use of herbicides or other hazardous
- 159 substances and it is consistent with any applicable ditch standards set forth in 21A.xxx and the
- 160 administrative rules promulgated thereunder.
- 161 3. Excluding excavation for roadway replacement or excavation for the installation,
- 162 construction or replacement of underground utilities.
- 163 4. Only in the buffer.
- 164 5. Only in the paved width or proper driving portion of the road and shoulders in the
- 165 buffer of any aquatic area used by salmonids.
- 166 6. Only if:
- 167 a. within a public road right-of-way except for installation of gas, water, sewer, or
- 168 other pipelines within a coal mine hazard area, or
- 169 b. out of public road right-of-way if:
- 170 (1) the excavation is less than five feet in vertical depth and does not involve more
- 171 than one hundred cubic yards of earth or other material on a single site,

(2) the fill is less than three feet in vertical depth and does not involve more than one hundred cubic yards of earth or other material on a single site; and

(3) the grading produces less than five-thousand feet of impervious surface;

7. Grading, filling, stockpile removal, and reclamation activities if performed in conjunction with or by the Department of Interior's Office of Surface Mining, Reclamation and Enforcement with the intent of eliminating or mitigating threats to human health, public safety, environmental restoration or protection of property.

8. Only if:

a. removal is undertaken with hand labor and light equipment and without the use of herbicides or other hazardous substances; and

b. the cleared area is stabilized against erosion and is revegetated with native vegetation;

9. Only if in accordance with chapter 76.09 RCW and Title 222 WAC;

10. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:

a. the site is enrolled in the current use taxation program as timber land in accordance with chapter 84.34 RCW or as forest land in accordance with chapter 84.33 RCW;

b. a long-term management plan is approved for the site by the Washington state Department of Natural Resources;

c. the site is located outside of the Urban Growth Area for rural cities as designated in the King County Comprehensive Plan; and

d. the site is exactly five acres;

11. Only if:

- 194 a. the forest practice occurs on a site within the area designated Forest Production
195 District in the King County Comprehensive Plan; and
196 b. the site is reforested in compliance with RCW 76.09.070, or
197 c. the site has not or is not proposed to be converted to another use, including but not
198 limited to, a residence on a parcel that cannot be further subdivided.
- 199 12. Only to prevent imminent danger to persons or property;
- 200 13. In compliance with K.C.C. chapter 21A.--[New Chapter: Permits, Emergency
201 Actions, Permit Exceptions]
- 202 14. Limited to buffers of five acres or larger if no trees are removed from within one-
203 hundred-fifty feet of the channel edge, including site channels;
- 204 15. Limited to buffers for the purpose of enhancing tree growth in the area of removal
205 and is limited to the diameter of the tree canopy;
- 206 16. Limited to buffers and no use of chemicals;
- 207 17. Only if:
- 208 a. the structure, condition or site being maintained was constructed or created in
209 accordance with law;
- 210 b. the maintenance does not involve the use of herbicides or other hazardous substances
211 in steep slope, erosion or landslide hazard areas, aquatic areas, wetlands, or their buffers;
- 212 c. the maintenance is in compliance with ditch standards set forth in K.C.C. 21A.24.370
213 and administrative rules promulgated thereunder; and
- 214 d. the maintenance does not involve any expansion of the roadway, lawn, landscaping,
215 ditch, culvert, engineered slope or other improved area being maintained;
- 216 18. Only in a public right-of-way by a public or private utility or by a public agency;

19. If the culvert is used by salmonids or conveys water used by salmonids, maintenance shall be limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or channel immediately adjacent to the culvert and shall not involve the excavation of a new sediment trap adjacent to the inlet;

20. Limited to vegetation maintenance and erosion control and does not involve slope stabilization;

21. Drainage facilities must be maintained by a public agency;

22. Flood protection facilities if:

a. maintained by a public agency;

b. there is no linear extension of the facility from the existing conditions;

c. there is no water-ward extension of the facility from the existing conditions;

d. the maintenance and repair are done in accordance with the Regional Road Maintenance Guidelines;

e. the maintenance and repair are done in accordance with the adopted King County Flood Hazard Reduction Plan and the King County Guidelines for Bank Stabilization Projects; and

f. monitoring is conducted for three years following maintenance and repair and an annual report is submitted to the department;

23. Subject to criteria in RCW 75.20.350 and approved pursuant to that section;

24. Limited to projects sponsored by a public agency that has natural resource management as its primary function or by a federally recognized tribe only if:

a. the wetland restoration is limited to revegetation of the wetland or its buffer with native vegetation and the removal of noxious weeds;

b. the aquatic area restoration is limited to placement of weirs, log controls, spawning gravel, woody debris or other specific salmonid habitat improvements, revegetation of the buffer with native vegetation and the removal of noxious weeds;

c. the restoration involves only the use of hand labor and light equipment; helicopters or cranes may be used if they have no contact with or otherwise disturb the critical area or its buffer unless the contact or disturbance is otherwise allowed by law;

d. the restoration does not involve the use of herbicides, pesticides or other hazardous substances except for organic or mineral-derived fertilizers;

e. the restoration is not part of a mitigation plan associated with another development proposal and is not a corrective action associated with a violation; and

f. the restoration results in a net improvement of the aquatic area or wetland system.

25. In accordance with an approved Washington department of fish and wildlife scientific sampling permit.

26. Limited to any solid waste facility operated by King County.

27. Requires notice on title in accordance with K.C.C. 21A.24.170 and flood hazard area provisions of K.C.C. 21A.24.240 through 21A.24.270.

28. Applies to structures in existence prior to November 27, 1990 that do not meet the building setback or buffer requirements for wetlands, aquatic areas, or steep slope hazard areas if:

a. the replacement, modification or addition does not increase the existing footprint of the structure lying within the building setback area or buffer; and

b. the portion of the replacement, modification or the addition is not located closer to the critical area or, if the existing structure is in the critical area, does not extend farther into the critical area.

29. Applies to single detached dwelling units in existence prior to November 27, 1990 that do not meet the building setback or buffer requirements for wetlands or aquatic areas if:

a. the replacement, modification or addition does not increase the existing footprint of the dwelling unit lying within the building setback area or buffer by more than one-thousand square feet more than that existing before November 27, 1990; and

b. no portion of the replacement, modification or addition is located closer to the critical area or, if the existing dwelling unit is in the critical area, extends farther into the critical area. For the purposes of this subsection, a dwelling unit shall be considered “habitable” if it was habitable at least twelve months prior to the replacement, modification or addition and was since rendered not habitable as a result of fire, flood or other natural catastrophic event.

30. Maintenance of any structure in existence before November 27, 1990 that does not meet the requirements for coal mine, seismic, or steep slope hazard areas or maintenance of any structure that does not meet the requirements for volcanic hazard areas if:

a. the maintenance does not involve any expansion of the structure; and

b. for any structure that does not meet the requirements for coal mine, seismic or steep slope hazard areas, the maintenance does not include foundation replacement, other than as part of dry floodproofing.

31. Limited to activities in continuous existence since at least November 27, 1990 with no expansion of these activities within the critical area or critical area buffer. For the purpose of

this subsection, "continuous existence" includes cyclical operations normally associated with these horticultural and agricultural activities;

32. As long as the rotation does not result in increased adverse impacts to wetlands, aquatic areas or other critical areas and the rotation meets the standards for the activity;

33 Only if in compliance with livestock standards in K.C.C. chapter 21A.30.

34. Only if in compliance with manure storage facilities in K.C.C. chapter 21A.30.

Grading for construction or removal of livestock manure storage facilities or associated nonpoint source pollution facilities designed to the standards of and approved in a conservation plan by the King Conservation District and constructed and maintained to those standards.

35 Only if in compliance with manure storage facilities in K.C.C. chapter 21A.30.

Grading for construction or removal of livestock manure storage facilities or associated nonpoint source pollution facilities designed to the standards of and approved in a conservation plan by the King Conservation District and constructed and maintained to those standards only if the facility is flood-proofed to the flood protection elevation as defined in K.C.C. 21A.06.490;

36 If the ditch is used by salmonids maintenance shall be in compliance with administrative rules. If the ditch is not used by salmonids the following standards apply:

a. all maintenance activities shall occur during periods of low water flow, ordinarily between July 15 and September 15;

b. excavation shall be in a direction from the upstream portion of the ditch to the downstream portion with the upstream edge of the excavation not exceeding a final grade of six inches drop for every ten feet;

c. the width, depth and side slopes of the ditch shall be configured in compliance with requirements determined for the site conditions by the U.S. National Resources Conservation Service and the King Conservation District;

d. measures to control erosion shall be taken including, but not limited to, retaining existing vegetation on side slopes to the extent possible, retaining existing vegetation alongside the ditch to filter field runoff, reseeding any exposed soils alongside the ditch, placing and maintaining a permanent filter downstream of the maintenance project in compliance with the King County Erosion and Sedimentation Control Standards and placing and maintaining a silt fence or other similar device in all ditches adjacent to aquatic areas used by salmonids to protect downstream salmonids from erosion; and

e. dredge spoils taken from a ditch shall not be placed within a critical area or its buffer except that they may be spread evenly in a thin layer across an agricultural field in current use. Dredge spoils shall otherwise be immediately removed to an off-site legal disposal area. Temporary stockpiles of dredge spoils may remain on a field for up to nine months if they are covered, seeded or silt-fenced to control erosion and are not within a flood hazard area. No part of any spoils shall be placed within twenty-five feet of any wetland or aquatic area;

37 If the culvert is used by salmonids or conveys water used by salmonids, the maintenance shall be limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or bed immediately adjacent to the culvert and shall not involve the excavation of a new sediment trap adjacent to the inlet;

38. Only if the ditch or culvert is not used by salmonids.

39 Only if done in compliance with section 8 of this ordinance.

NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

Agricultural activities.

A. Agricultural activities conducted on land located in the agricultural production district (APD), agricultural (A) zoned land outside the APD, farmland preservation program (FPP) land outside the APD and any other properties with existing and ongoing agricultural uses outside of the APD, A zone and FPP that comply with the following requirements are not subject to aquatic areas provisions:

1. A water quality filter strip shall be installed and maintained between any field used for crops or crop rotations and the aquatic area. The width, length and plant composition of the water quality filter strip shall be specified by administrative rule that shall consider the slope, length and area of the field draining to the aquatic area, soil characteristics that influence erosion and infiltration, horticultural practices used, the type of pollutant to be filtered, and the sensitivity of the receiving aquatic area and biota to the potential pollutant. The rule shall specify the proper installation of the water quality filter strip including appropriate vegetation and soil preparation, management practices for maintenance including repair and replanting of eroded sections and the seasonal harvest of vegetation if the water quality filter strip is intended to capture nitrogen or phosphorus.

2. Winter cover crops shall be used on all fields located within the floodplain or adjacent to a waterway unless constrained by horticultural requirements such as crop rotation cycles, harvesting root crops, spring planting needs, timing of fall harvest or fields too wet for mechanical devices. All constraints must be approved by the NRCS/Conservation District.

3. Pesticides may not be used in the filter strip unless the King County Noxious Weed Board agrees that there is no other alternative for removal of noxious weeds.

B. Nonresidential farm-related structures may be expanded or constructed within the buffer of any aquatic area subject to the following criteria:

1. There is no other practical alternative on the property;

2. The structure is located within or adjacent to the footprint of existing farm structures and the footprint is not expanded waterward from existing structures. For purposes of this section, footprint means the area that is currently developed with structures or impervious surfaces and the adjacent undeveloped areas not used for crop production;

3. The structure may be detached from the existing footprint only if the proposed location is higher in elevation and is no closer to the water than the existing footprint; and.

4. New developments must meet all other permitting requirements including flood storage.

SECTION 8. Ordinance 10870, Section 453, and K.C.C. 21A.24.060 are each hereby repealed:

~~((Partial exemptions. A. The following are exempt from the provisions of this chapter and any administrative rules promulgated thereunder, except for the notice on title provisions, K.C.C. 21A.24.170—21A.24.180, and the flood hazard area provisions, K.C.C. 21A.24.230—21A.24.270:~~

~~1. Structural modification of, addition to or replacement of structures, except single detached residences, in existence before November 27, 1990 which do not meet the building setback or buffer requirements for wetlands, streams or steep slope hazard areas if the~~

~~modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described building setback area, sensitive area or buffer;~~

~~2. Structural modification of, addition to or replacement of single detached residences in existence before November 27, 1990 which do not meet the building setback or buffer requirements for wetlands, streams or steep slope hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the residence lying within the above-described buffer or building setback area by more than 1000 square feet over that existing before November 27, 1990 and no portion of the modification, addition or replacement is located closer to the sensitive area or, if the existing residence is in the sensitive area, extends farther into the sensitive area; and~~

~~3. Maintenance or repair of structures which do not meet the development standards of this chapter for coal mine, landslide, seismic or volcanic hazard areas if the maintenance or repair does not increase the footprint of the structure and there is no increased risk to life or property as a result of the proposed maintenance or repair;~~

~~B. The grazing of livestock is exempt from the provisions of this chapter and any administrative rules promulgated thereunder, except for the livestock restriction provisions, K.C.C. 21A.24.320 and 21A.24.360, and any animal density limitations established by law, if the grazing activity was in existence before November 27, 1990;~~

~~C. A permit or approval sought as part of a development proposal for which multiple permits are required is exempt from the provisions of this chapter and any administrative rules promulgated thereunder, except for the notice on title provisions, K.C.C. 21A.24.170–21A.24.180, if:~~

~~1. King County previously reviewed all sensitive areas on the site;~~

2. ~~There is no material change in the development proposal since the prior review;~~

3. ~~There is no new information available which is important to any sensitive area review of the site or particular sensitive area;~~

4. ~~The permit or approval under which the prior review was conducted has not expired or, if no expiration date, no more than five years lapsed since the issuance of that permit or approval; and~~

5. ~~The prior permit or approval, including any conditions, has been complied with.))~~
(Ord. 10870 § 453, 1993).

SECTION 9. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070 are each hereby amended to read as follows: [SAO Section 84]

Reasonable use ((E))exception((s)).

~~((A. If the application of this chapter would prohibit a development proposal by a public agency and utility, the agency or utility may apply for an exception pursuant to this subsection:~~

1. ~~The public agency or utility shall apply to the department and shall make available to the department other related project documents such as permit applications to other agencies, special studies and SEPA documents.~~

2. ~~The department shall review the application based on the following criteria:~~

a. ~~there is no other practical alternative to the proposed development with less impact on the sensitive area; and~~

b. ~~the proposal minimizes the impact on sensitive areas.~~

3. ~~The department shall process exceptions, provide public notice, and provide opportunity for the public to request a public hearing, and provide an appeal process consistent with the provisions of K.C.C. 20.20.~~

4. ~~This exception shall not allow the use of the following sensitive areas for regional stormwater management facilities except where there is a clear showing that the facility will protect public health and safety or repair damaged natural resources:~~

- ~~a. class 1 streams or buffers;~~
- ~~b. class 1 wetlands or buffers with plant associations of infrequent occurrence; or~~
- ~~c. class 1 or 2 wetlands or buffers which provide critical or outstanding habitat for herons, raptors or state or federal designated endangered or threatened species unless clearly demonstrated by the applicant that there will be no impact on such habitat.~~

~~B.))~~ If the application of this chapter would deny all reasonable use of the property, ~~((the applicant may apply for an exception pursuant to this subsection))~~ the department may grant an exception to allow reasonable use of the property consistent with the following:

~~((1.))~~A. The applicant may apply to the department for a reasonable use exception without first ((having applied)) applying for a variance or modification if the requested exception includes relief from standards for which a variance or modification cannot be granted ((pursuant to the provisions of)) or cannot satisfy the variance or modification criteria in K.C.C. ((chapter)) 21A.24.075 and K.C.C. 21A.44.030; ((The applicant shall apply to the department, and))

B. ((1.))The applicant shall apply to the department and the department, in consultation with the office of the prosecuting attorney, shall make a final decision ((based on)) on the application consistent with the following ((criteria)):

1. The decision shall be in writing and shall include:

- a. the director's determination consistent with the criteria in K.C.C. 21A.24.070B.2;
- b. the facts and conclusions supporting each criterion in K.C.C. 21A.24.070B.2; and
- c. any required mitigation, conditions or limitations imposed, if the exception is

approved; and

2. An exception shall not be granted unless the director first determines, in writing, that:

a. the application of this chapter would deny all reasonable use of the property;

b. there is no other reasonable use with less adverse impact on the ~~((sensitive))~~ critical area or buffer;

c. the proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

d. any authorized alteration~~((s-permitted))~~ to the ~~((sensitive))~~ critical area or buffer ~~((shall be))~~ is the minimum necessary to allow for reasonable use of the property; and

e. any authorized alteration of a ~~((sensitive))~~ critical area under this subsection shall be subject to conditions established by the department including, but not limited to, mitigation under an approved mitigation plan~~((:))~~;

C. The reasonable use exception is a Type 2 land use decision and is subject to the notice requirements in K.C.C. 20.20.060.

D. The director's decision on the reasonable use exception may be appealed in accordance with K.C.C. 20.20.020. (Ord. 13190 § 19, 1998: Ord. 12196 § 54, 1996: Ord. 11621 § 73, 1994: Ord. 10870 § 454, 1993).

SECTION 10. Ordinance 11621, Section 70, and K.C.C. 21A.24.075 are each hereby amended to read as follows: [SAO Section 85]

Director's ~~((M))~~ modification ~~((or-waiver))~~ of ~~((sensitive))~~ critical area requirements ~~((-urban lots))~~. ~~((The purpose of this section is to provide an alternative to the variance, and exception processes for minor development. A further purpose of this section is to minimize~~

~~impacts to sensitive areas by allowing minor modifications of the zoning code which allow single family residences on existing, legal urban lots without requiring a variance or exception.))~~

A. The director ((shall have the discretion to)) may modify ((or waive some or all of the)) critical area requirements ((of this title, including mitigation requirements, pertaining to Class 3 wetlands, Class 3 streams, and their associated buffers or building setback areas in accordance with the provisions of this section.)) as prescribed in this section. Modification authorized in K.C.C. 21A.24.075B shall not be granted unless the director first determines, in writing, that:

1. There is no practical alternative to the proposed development or alteration with less adverse impact on the critical area;

2. The development proposal or alteration is consistent with the following development hierarchy that prescribes the order in which property shall be developed to minimize or avoid alterations to critical areas or their buffers:

a. property that is not a critical area or buffer;

b. property that is a critical area buffer;

c. property that is a critical area; and

3. A minor habitat evaluation was conducted in accordance with requirements established in K.C.C. 21A.24.120 if the development or alteration is proposed wholly or partially within an aquatic area or aquatic area buffer;

4. The development proposal or alteration includes, in order of preference, on-site or in-subbasin mitigation of impacts to aquatic areas, wetlands and their buffers to the maximum extent practical and, with approved mitigation, the development proposal or alteration minimizes adverse impacts upon critical areas and their buffers and neighboring properties including, but

not limited to:

a. adverse impacts to salmonids and their habitat;

b. adverse impacts to drainage capabilities; and

c. adverse impacts of increased flood, erosion and landslide hazards resulting from alterations to the critical area or its buffer;

5. The modification of critical areas requirements shall not result in:

a. a net increase in the base flood elevation;

b. a measurable permanent decrease in slope stability;

c. a measurable decrease in water quality; or

d. a measurable permanent increase in erosion potential.

B. Only the following critical area requirements may be modified by the director under this section:

1. Requirements pertaining to steep slope hazard areas, their buffers and building setback areas if the steep slope is two thousand five hundred square feet or less, as measured on a topographic map;

2. Requirements pertaining to steep slope hazard areas, their buffers and building setback areas that are located on or adjacent to lots less than fifteen thousand square feet that were created before November 27, 1990, if the director finds, in writing, that:

a. the alteration is the minimum necessary to accommodate the building footprint, access and yard, which together shall not exceed three thousand square feet of the site, but not the area used for an on-site sewage disposal system; and

b. access is located to have the least adverse impact on the steep slope hazard area, buffer or building setback area;

3. Requirements pertaining to category IV wetlands and their buffers, type N and O waters and their buffers and building setback areas of all classes of wetlands and types of waters that are located on or adjacent to lots less than fifteen thousand square feet that were created before November 27, 1990, if the director finds, in writing, that:

a. the alteration is the minimum necessary to accommodate the building footprint, access and yard, which together shall not exceed three thousand square feet of the site, but not the area for an on-site sewage disposal system; and

b. access is located to have the least adverse impact on the aquatic area, aquatic area buffer, wetland, wetland buffer or building setback area;

4. Requirements pertaining to the buffers and building setback areas of category I, II or III wetlands that do not currently have a forested wetland vegetation class and are located along lake shorelines for lots created before November 27, 1990, if the director finds, in writing, that:

a. at least seventy-five percent of the lots abutting the shoreline or seventy-five percent of the lake frontage, whichever constitutes the most lake frontage, has existing and zoned density of four dwelling units per acre or more;

b. the wetland is not used as a salmonid spawning area;

c. functional buffer or wetland vegetation does not remain upon the lot for which the modification is sought, and the absence of vegetation is not the result of any illegal action;

d. the alteration is the minimum necessary to accommodate the building footprint and access, which together shall not exceed three thousand square feet of the site, but not the area used for an on-site sewage disposal system;

e. access is located to have the least adverse impact on the aquatic area, aquatic area buffer, wetland and wetland buffer; and

f. any significant biologic or hydrologic feature of the aquatic area, aquatic area buffer, wetland or wetland buffer will not be adversely affected;

5. Requirements pertaining to aquatic areas and wetlands that are not used as salmonid rearing or spawning areas, and their buffers and building setback areas, to be developed as regional flow control facilities by public agencies, if the director finds, in writing, that:

a. the facility will protect the public health or safety or repair damaged resources;

b. the facility will not alter the categorization or typing or the factors used in categorizing or typing the wetland or aquatic areas, respectively;

c. access is located to have the least adverse impact on the wetland, wetland buffer, aquatic area or aquatic area buffer; and

d. the proposal is consistent with the standards established in administrative rule;

6. Requirements pertaining to development proposals or alterations, except for regional flow control facilities not addressed under subsection B.5, of this section by public agencies or public or private utilities; and

7. Requirements pertaining to aquatic areas and their buffers, when locating or daylighting a channel for habitat enhancement or restoration purposes and the work is not associated with another development proposal or alteration.

~~((A. An applicant may request a modification or waiver of sensitive area requirements pursuant to this section provided the lot or lots are located in an urban area designated in the King County Comprehensive Plan; and))~~

C. The director:

1. Shall not modify mitigation requirements except as necessary for alterations made pursuant to K.C.C. 21A.24.075B.1-4; and

2. Shall have the discretion to make minor modifications to other zoning code development standards and road standards, the latter as approved by the county road engineer, only in conjunction with the director's modification of critical areas requirements for a specific development proposal or alteration and only in order to satisfy the development hierarchy set forth in K.C.C. 21A.24.075A.2;

~~((B-))~~ D. ~~((The))~~ An applicant for ~~((the))~~ a modification ~~((or waiver))~~ of ~~((sensitive))~~ critical area requirements under this section shall submit a ~~((ny))~~ ~~((sensitive))~~ critical area ~~((special studies))~~ report, as required by K.C.C. 21A.24.110, ~~((which shall include any))~~ including a minor habitat evaluation ~~((required pursuant to K.C.C. 21A.24.075A.3, following a preapplication ((review meeting)) conference ((as required under 21A.24.110 as well as such other documents or studies, as requested by the director)).~~

~~((C. The director may grant a modification or waiver of sensitive area requirements provided:~~

~~1. The proposal is the minimum necessary to accommodate the building footprint and access. In no case, however, shall the building footprint exceed 5000 square feet, including access;~~

~~2. Access is located so as to have the least impact on the sensitive area and its buffer;~~

~~3. The proposal preserves the functions and values of wetlands and streams to the maximum extent possible;~~

~~4. Adverse impacts resulting from alterations of steep slopes are minimized;~~

~~5. The proposal includes on-site mitigation to the maximum extent possible;~~

~~6. The proposal will not significantly affect drainage capabilities, flood potential, and steep slopes and landslide hazards either on neighboring properties or on the proposal itself; and~~

7. ~~The proposal first develops nonsensitive area land, then the sensitive area buffer before the sensitive area itself is developed.~~

~~The director may require on-site or off-site mitigation measures to compensate for the loss of the functions and values of the sensitive areas and may impose mitigating conditions to the modification or waiver in order to meet the standards of this subsection C.~~

~~D. Where a modification or waiver of sensitive area requirements under this section is proposed, the director shall give written mailed notice of the proposed modification or waiver to all owners of property located within three hundred feet of any boundary of the subject property and to the water and land resources division and shall allow fifteen calendar days for comment before making a decision.))~~

E. The decision of the director ((regarding the modification or waiver shall be mailed to the applicant and to any other person who requests a copy. The decision shall state the reasons for denial or any required mitigation or other conditions imposed.)) shall be in writing and shall include:

1. The director's determination, consistent with the decision-making standards in subsections A and B of this section;

2. A separate statement for each standard required to be met, containing a specific finding that the standard is satisfied and all facts and conclusions supporting that finding; and

3. Any required mitigation, conditions or limitations imposed, if the modification is approved.

F. The director's modification ((decision of the director regarding the modification or waiver)) is a Type 2 land use decision and is subject to the notice requirements in K.C.C 20.20.060.

G. The director's decision on the modification may be appealed ((per)) in accordance with ((K.C.C. 21A.24.030)) K.C.C. 20.20.020.

~~((E. This section shall not apply to the following steep slope hazard areas:
1. steep slope hazard areas that are unmitigatable landslide hazard areas; and
2. steep slope hazard areas of slope greater than seventy percent where either the lot or slope are abutting and above a Class 1 or 2 wetland stream, and associated buffer, or an open stormwater conveyance system.)) (Ord. 13190 § 20, 1998; Ord. 11621 § 70, 1994).~~

NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

Major habitat evaluation option.

A. A major habitat evaluation may be submitted as part of the appropriate department permit or approval process for any development proposal or alteration on a site containing an aquatic area, wetlands or fish and wildlife habitat conservation area or their buffers if either:

1. The applicant is unable, or chooses not, to comply with the alteration requirements for the critical area; or
2. The applicant proposes an alteration not allowed in the critical area;

B. The habitat evaluation may be submitted as part of a critical areas report under K.C.C. 21A.24.120;

C. Based on the results of the major habitat evaluation, the department shall determine if the alteration as proposed is acceptable because the site can still meet the habitat objectives, including ensuring that salmonid conservation can be achieved. If the proposed alteration can be redesigned or its impacts can be acceptably mitigated to meet the habitat objectives, the department shall impose conservation measures that are protective of aquatic areas, including

salmonids. If the habitat evaluation predicts adverse effects, it shall incorporate effective and prudent conservation measures sufficient to fully mitigate for the adverse impacts of the proposed alteration. . If not, the proposal will be denied.

E. Submittal requirements for major habitat evaluations shall be set forth in administrative rules.

SECTION 12. Ordinance 10870, Section 455, as amended, and K.C.C. 21A.24.080 are each hereby amended to read as follows: [SAO Section 86][amended]

((Sensitive))Critical area maps and inventories.

A. The distribution of many ~~((environmentally sensitive))~~ critical areas in western King County is displayed on maps in the King County Sensitive Areas Map Folio, the department's Geographic Information System (GIS) database and other maps maintained by the state of Washington, federal agencies and tribes. These maps and inventories do not identify all critical areas in King County.

B. Many of the wetlands are inventoried and rated and that information is published in the King County Wetlands Inventory Notebooks.

C. Many flood hazard areas are mapped by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for King County."

D. Some locations of fish and wildlife habitat conservation areas, wildlife priority habitat or wildlife priority areas are mapped, or databases with relevant information are compiled by the Washington Department of Fish and Wildlife, Washington Department of Natural Resources and other government agencies.

E. A number of channel migration zones are mapped by the county for portions of river systems. These channel migration zone maps are adopted by public rule. The criteria and process

used to designate and classify channel migration zones are specified by public rule. Special studies to determine channel migration zone boundaries on a specific property may be submitted to the department if there is an apparent discrepancy between the site-specific conditions or data and the channel migration zone maps adopted by public rule.

E. If there is a conflict among the various maps, inventor~~y~~ies, databases and site-specific features, the department ~~((of development and environmental services))~~ shall verify the actual presence or absence of ~~((the features defined in this title as sensitive))~~critical areas. ~~((The determination may be challenged by the property owner.))~~ (Ord. 11621 § 74, 1994: Ord. 10870 § 455, 1993).

SECTION 13. Ordinance 10870, Section 456, and K.C.C. 21A.24.090 are each hereby amended to read as follows:

Disclosure by applicant.

A. The applicant shall disclose to King County the presence of ~~((sensitive))~~ critical areas on the development proposal site and any mapped, visible or ~~((identifiable sensitive))~~ identified critical areas within ~~((100))~~ three hundred feet of the applicant's property.

B. If the development proposal site contains or is within a ~~((sensitive))~~ critical area, the applicant shall submit an affidavit that declares whether the applicant has knowledge of any illegal alteration to any or all ~~((sensitive))~~ critical areas on the development proposal site and whether the applicant previously has been found in violation of this chapter, ~~((pursuant to))~~ in accordance with K.C.C. Title 23. If the applicant previously has been found in violation, the applicant shall declare whether ~~((such))~~ the violation has been corrected to the satisfaction of King County. (Ord. 10870 § 456, 1993).

SECTION 14. Ordinance 10870, Section 457, and K.C.C. 21A.24.100 are each hereby amended to read as follows: [Proposed Ordinance 2002-0211]

~~((Sensitive))~~**Critical** area review.

A. Except as provided in subsection C of this section, King County shall perform a ~~((sensitive))~~ critical area review for any ~~((King County))~~ development proposal permit application or other request for permission to proceed with an alteration on a site ~~((which))~~that includes a ~~((sensitive))~~ critical area or is within an identified ~~((sensitive))~~critical area buffer or building setback area.

B. As part of the ~~((sensitive))~~ critical area review, King County shall:

1. Determine whether any ~~((sensitive))~~ critical area exists on the property and confirm its nature and type;
2. Determine whether a ~~((sensitive))~~ critical area ~~((special study))~~ report is required;
3. Evaluate the ~~((sensitive))~~ critical area ~~((special study))~~ report;
4. Determine whether the development proposal is consistent with this chapter;
5. Determine whether any proposed alteration to the ~~((sensitive))~~ critical area is necessary; and
6. Determine if the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public health, safety ~~((and))~~ or welfare, consistent with the goals, purposes, objectives and requirements of this ~~((chapter))~~ title.

C. If a development proposal does not involve any site disturbance, clearing or grading and requires only a permit or approval under K.C.C. chapter 16.04 or 17.04, critical area review is not required unless the development proposal is located within a landslide hazard area, seismic hazard area, or coal mine hazard area and the proposed development will cause additional loads

on the foundation, such as by expanding the habitable square footage of the structure or by adding or changing structural features that change the load-bearing characteristics of the structure. Critical area review required under this subsection shall be limited to consideration of the development proposal and the hazard area in which it is located. (Ord. 10870 § 457, 1993).

SECTION 15. Ordinance 10870, Section 458, and K.C.C. 21A.24.110 are each hereby amended to read as follows: [SAO section 90][amended]

((Sensitive)) Critical area ((special study)) report requirement.

A. ~~((An))~~ Except as otherwise provided in this section, an applicant for a ~~((development proposal which))~~ proposed alteration on a site that includes a ~~((sensitive))~~ critical area or is within ~~((an identified sensitive))~~ a critical area buffer or building setback area shall submit a ~~((sensitive))~~ critical area ~~((special study))~~ report to the department to adequately evaluate the proposal and all ~~((probable))~~ potential impacts.

B. ~~((King County))~~ Except as provided in subsection C of this section, the department may waive the requirement for a ~~((special study))~~ critical area report if the applicant shows, to ~~((King County's))~~ the department's satisfaction, that:

1. There will be no alteration of the ~~((sensitive))~~ critical area or buffer;
2. The ~~((development proposal))~~ proposed alteration will not have an impact on the ~~((sensitive))~~ critical area in a manner contrary to the ~~((goals,))~~ purpose~~((s, objectives))~~ and requirements of this chapter; ~~((and))~~

3. ~~((The minimum standards required by this chapter are met))~~ Adequate information exists for the department to evaluate any impacts on the critical area; or

4. The proposed alterations to the zero-rise floodway meet the standards of K.C.C. 21A.24.250A.2.

C. ~~((If necessary to insure compliance with this chapter, King County may require additional information from the applicant, separate from the special study.))~~ The department shall not waive a critical area report for the following:

1. To establish the buffer of a landslide hazard area under K.C.C. 21A.24.280A or a steep slope hazard area under K.C.C. 21A.24.310A except as provided in either subsection;

2. To reduce the buffer of a wetland under K.C.C. 21A.24.320B or an aquatic area under K.C.C. 21A. 24.360B;

3. To allow alterations to:

a. landslide hazard areas under K.C.C. 21A.24.280B.1-3 and 8;

b. coal mine hazard areas under K.C.C. 21A.24.210B.1,2 and 3.b; and

c. seismic hazard areas under K.C.C. 21A.24.290A;

4. To modify critical area requirements under K.C.C. chapter 21A.24; and

5. To grant a reasonable use exception under K.C.C. 21A.24.070. (Ord. 10870 § 458, 1993).

SECTION 16. Ordinance 10870, Section 459, and K.C.C. 21A.24.120 are each hereby amended to read as follows: [SAO Section 91][amended]

Contents of ~~((sensitive))critical area ((special study))report.~~

A. ~~((The sensitive))~~ A critical area ((special study)) report shall be in ~~((the form of a written report))~~ writing and ((shall)) may contain any or all of the following, as ((applicable)) required by the department based upon its evaluation of the permit application or the development proposal site:

1. Identification and characterization of all ~~((sensitive)) critical areas and buffers on ((or encompassing))~~ the development proposal site including, but not limited to:

a. delineation and characterization of steep slope, landslide, seismic or coal mine hazard areas, wetlands, aquatic areas, flood hazard areas, channel migration zones, wildlife habitat networks or fish and wildlife habitat conservation areas;

b. identification and characterization of surface and subsurface conditions of coal mine and landslide hazard areas;

c. historical data; and

d. a statement by a qualified professional or scientist specifying the accuracy of the identification and characterization of the critical area and the basis for the statement including, but not limited to, all assumptions made and relied upon;

2. Identification and characterization of all critical areas and buffers in the surrounding critical area that may be directly or indirectly affected where practical;

3. Assessment of the impacts of any development proposal, including an analysis of alternatives demonstrating that all reasonable effort has been made to mitigate impacts including, but not limited to:

a. the impacts of any proposed alteration ((proposed for)) of a ((sensitive)) critical area or buffer in the critical area((:));

b. the impacts of any proposed development adjacent to a critical area or buffer in the critical area; and

c. ((assessment of the impacts of any)) the impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties and ((the environment, and/or assessment of the impacts to the development proposal resulting from development in the sensitive area or buffer)) critical areas in the surrounding area that may be directly or indirectly affected where practical;

~~((3-))~~4. ~~((Studies which propose))~~Plans for adequate mitigation ~~((, maintenance, monitoring and contingency plans))~~ and ~~((bonding measures))~~ financial guarantees. A mitigation plan may include, but is not limited to, a farm plan, forest plan, habitat management plan or erosion and sedimentation control plan;

~~((4-))~~ 5. A ~~((scale map of))~~ copy of the site plan for the development proposal ~~((site));~~
~~((and))~~

6. Descriptions of any fieldwork;

7. Plans, such as grading and drainage plans;

8. Documentation supporting any requested exemption or exception from or modification of buffer or other critical area requirements;

~~((5-))~~9. ~~((Detailed s))~~ Studies ~~((, as required by King County-))~~ to support any findings or conclusions contained in the critical area report or to provide additional information needed to ensure compliance with the purpose and requirements of this chapter;

B ~~((A sensitive area special study may be combined with any studies required by other laws and regulations; and))~~

The department may require submittal of chapters of a critical area report addressing a specific issue including, but not limited to:

1. A wetland functional assessment addressing the functions as prescribed in the Washington state Department of Ecology “Methods for Assessing Wetland Functions, Vol. I”;

2. A habitat management plan addressing short and long-term actions needed to protect a priority habitat or priority area designated as a fish and wildlife habitat conservation area;

3. A minor habitat evaluation addressing existing habitat conditions, impacts on existing habitat and mitigation for the proposed action. The minor habitat evaluation shall

address fish and wildlife species dependent upon aquatic areas, wetlands and fish and wildlife conservation areas including, but not limited to, species designated for protection in the King County Comprehensive Plan;

C. An applicant may submit a major habitat evaluation as part of a critical area report that in addition to addressing the subjects in a minor habitat evaluation, analyzes impacts related to the proposal that will limit the long-term ability of the site to provide the functions that are important for conservation of endangered species and salmonids. The major habitat evaluation shall assess the preclusion of any future recovery opportunities on the site.

D. The department shall review hazard assessments prepared pursuant to K.C.C. 21A.24.120B within the time period specified in K.C.C. 20.20.050 and either accept the report, recommend revisions or additions to the report or return the report to the applicant as unacceptable and detail the specific deficiencies. If there is a disagreement, the applicant may submit the report to a mutually agreed-upon third party professional engineer, who will conduct the review and issue a decision binding upon the department and applicant.

E. For emergency actions under K.C.C. chapter 21A.xx. [New Chapter: Permits, Emergency Actions, Permit Exceptions] the critical area report shall include, at minimum, a description of the alteration and resulting impacts and a mitigation plan, in compliance with this chapter, unless waived in accordance with K.C.C. 21A.24.110;

F. A critical area report may be required to be produced or presented to the department in more than one stage when the department's evaluation of the proposal or ability to determine the needed contents of a critical area report depends on interim studies or results.

((C))G. If the development proposal will affect only a part of the development proposal site, the ((county)) department may limit the scope of the required ((special study)) critical area

report to include only that part of the site (~~which may~~) that might be affected by the development.

H. The department may specify by administrative rule the form and content of critical area reports. (Ord. 10870 § 459, 1993).

NEW SECTION. SECTION 17. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows: [SAO Section 92][amended]

Notification of critical area report requirements.

A. The department may notify the applicant as to whether a critical area report shall be required and what the report shall contain at any preapplication conference held concerning the development proposal. If a preapplication conference is not held or if insufficient information is presented at the conference relating to critical areas, the department will notify the applicant as to whether a critical area report is required and what the report shall contain within a timely manner after the applicant submits a complete application for a development proposal.

B. If the critical areas information provided to the department is insufficient or inaccurate, the department may require additional information from the applicant and conduct a review of the site and assess or reassess whether a critical area report shall be required and what the report shall contain. The department shall notify the applicant in writing of any changes in the critical area report requirements in a timely manner.

SECTION 18. K.C.C. 21A.24.130 is hereby recodified into K.C.C. chapter 21A.--[New Chapter: Mitigation and Monitoring, Section 2][SAO Section 93 repealed]

SECTION 19. K.C.C. 21A.24.140 is hereby recodified into K.C.C. chapter 21A.--[New Chapter: Mitigation and Monitoring, Section 6]

SECTION 20. Ordinance 10870, Section 462, and K.C.C. 21A.24.150 are each hereby

repealed.

~~((Vegetation management plan. A. For all development proposals where preservation of existing vegetation is required by this chapter, a vegetation management plan shall be submitted and approved prior to issuance of the permit or other request for permission to proceed with an alteration.~~

~~——— B. The vegetation management plan shall identify the proposed clearing limits for the project and any areas where vegetation in a sensitive area or its buffer is proposed to be disturbed.~~

~~C. Where clearing includes cutting any merchantable stand of timber, as defined in WAC 222-16-010(28), the vegetation management plan shall include a description of proposed logging practices which demonstrates how all sensitive areas will be protected in accordance with the provisions of this chapter.~~

~~——— D. Clearing limits as shown on the plan shall be marked in the field in a prominent and durable manner. Proposed methods of field marking shall be reviewed and approved by King County prior to any site alteration. Field marking shall remain in place until the certificate of occupancy or final project approval is granted.~~

~~——— E. The vegetation management plan may be incorporated into a temporary erosion and sediment control plan or landscaping plan where either of these plans is required by other laws or regulations.~~

~~F. Submittal requirements for vegetation management plans shall be set forth in administrative rules.))(Ord. 10870 § 462, 1993).~~

SECTION 21. Ordinance 10870, Section 463, and K.C.C. 21A.24.160 are each hereby amended to read as follows:

~~((Sensitive))~~ Critical area markers and signs.

A. Permanent survey stakes delineating the boundary between adjoining property and ~~((sensitive))~~ critical area tracts shall be set, using iron or concrete markers as established by current survey standards.

B. The boundary between a ~~((sensitive))~~ critical area tract and contiguous land shall be identified with permanent signs. (Ord. 10870 § 463, 1993).

SECTION 22. Ordinance 10870, Section 464, as amended, and K.C.C. 21A.24.170 are each hereby amended to read as follows: [Amended by Proposed Ordinance 2002-0211, Section 10][amended]

Notice on title.

A. Except as otherwise provided in subsection C of this section, ~~((F))~~ the owner of any property containing ~~((sensitive))~~ critical areas or buffers on which a development proposal is submitted ~~((, except a public right of way or the site of a permanent public facility,))~~ or any property on which mitigation is established as a result of development shall file a notice approved by King County with the records ~~((and)),~~ elections and licensing services division. The required contents and form of the notice shall be set forth in administrative rules. The notice shall inform the public of the presence of ~~((sensitive))~~ critical areas or buffers or mitigation sites on the property, of the application of this chapter to the property and ~~((that))~~ of the possible existence of limitations on actions in or affecting ~~((such sensitive))~~ the critical areas or buffers or mitigation sites may exist. The notice shall run with the land.

B. The applicant for a development proposal shall submit proof that the notice required by this section has been filed for public record before King County shall approve any development proposal for the property or, in the case of subdivisions, short subdivisions and binding site plans, at or before recording.

C. The notice required under subsection A of this section is not required if:

1. The property is a public right-of-way or the site of a permanent public facility; or

2. The development proposal does not require critical area review under K.C.C.

21A.24.100C.

D. The department may specify by administrative rule the form and content of the notice on title. (Ord. 14187 § 3, 2001: Ord. 10870 § 464, 1993).

SECTION 23. Ordinance 10870, Section 465, and K.C.C. 21A.24.180 are each hereby amended to read as follows: [Amended by Proposed Ordinance 2002-0211, Section 11]

~~((Sensitive))~~ Critical area tracts and designations on site plans.

A. ~~((Sensitive))~~ Critical area tracts shall be used to delineate and protect those ~~((sensitive))~~ critical areas and buffers listed below in development proposals for subdivisions, short subdivisions or binding site plans and shall be recorded on all documents of title of record for all affected lots:

1. All landslide hazard areas and buffers ~~((which))~~ that are one acre or ~~((greater))~~ more in size;

2. All steep slope hazard areas and buffers ~~((which))~~ that are one acre or ~~((greater))~~ more in size;

3. All wetlands and buffers; and

4. All aquatic areas and buffers.

B. Any required ~~((sensitive))~~ critical area tract shall be held in an undivided interest by each owner of a building lot within the development with this ownership interest passing with the ownership of the lot or shall be held by an incorporated homeowner's association or other legal entity ~~((which assures))~~ that ensures the ownership, maintenance and protection of the tract.

C. Site plans submitted as part of development proposals for building permits, ~~((master plan))~~ development~~((s))~~ permits and clearing and grading permits shall include and delineate:

1. ~~((a))~~ All flood hazard areas, ~~((f))~~ if they have been mapped by FEMA or King County or if a special study is required~~((j))~~;

2. ~~((f))~~ Landslide, volcanic, coal mine and steep slope hazard areas~~((g))~~;

3. ~~((streams))~~ Aquatic areas and wetlands~~((g))~~;

4. ~~((b))~~ Buffers; and

5. building setbacks.

D. If only a part of the development site has been mapped ~~((pursuant to))~~ under K.C.C. 21A.24.120 C~~((g))~~, the part of the site ~~((which))~~ that has not been mapped shall be clearly identified and labeled on the site plans. ~~((The site plans shall be attached to the notice on title required by K.C.C. 21A.24.170.))~~ (Ord. 10870 § 465, 1993).

SECTION 24. K.C.C. 21A.24.190 is hereby recodified into K.C.C. chapter 21A.06. [See K.C.C. 21A.06 – Technical Terms and Land Use Definitions Section 3]

SECTION 25. Ordinance 10870, Section 467, and K.C.C. 21A.24.200 are each hereby amended to read as follows:

Building setbacks. Unless otherwise provided, buildings and other structures shall be set back a distance of ~~((45))~~ fifteen feet from the edges of all ~~((sensitive))~~ critical area buffers or from the edges of all ~~((sensitive))~~ critical areas, if no buffers are required. The following may be allowed in the building setback area:

A. Landscaping;

B. Uncovered decks;

C. Building overhangs if ~~((such))~~ the overhangs do not extend more than ~~((18))~~eighteen inches into the setback area; and

D. Impervious ground surfaces, such as driveways and patios, ~~((provided that such))~~ but the improvements may be subject to special drainage provisions specified in administrative rules adopted for the various ~~((sensitive))~~critical areas. (Ord. 10870 § 467, 1993).

NEW SECTION. SECTION 26. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows: [SAO Section 98]

Coal mine hazard areas -- classifications. Based upon a critical area report containing a coal mine hazard assessment prepared in accordance with K.C.C. chapter 21A.24, coal mine hazard areas shall be classified as follows:

A. “Declassified” coal mine areas are those areas for which the risk of catastrophic collapse is not significant and that the hazard assessment report has determined do not require special engineering or architectural recommendations to prevent significant risks of property damage. Declassified coal mine areas may typically include, but are not limited to, areas underlain or directly affected by coal mines at depths of more than three hundred feet as measured from the surface but may often include areas underlain or directly affected by coal mines at depths of less than three hundred feet.

B. “Moderate” coal mine hazard areas are those areas that pose significant risks of property damage that can be mitigated by special engineering or architectural recommendations. Moderate coal mine hazard areas may typically include, but are not limited to, areas underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to three hundred feet or with overburden-cover-to-seam thickness ratios of less than ten to one depending on the inclination of the seam; and

C. “Severe” coal mine hazard areas are those areas that pose a significant risk of catastrophic ground surface collapse. Severe coal mine hazard areas may typically include, but are not limited to, areas characterized by unmitigated openings such as entries, portals, adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled sinkholes and other areas of past or significant probability for catastrophic ground surface collapse. Severe coal mine hazard areas typically include, but are not limited to, overland surfaces underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to one hundred fifty feet.

SECTION 27. Ordinance 10870, Section 468, as amended, and K.C.C. 21A.24.210 are each hereby amended to read as follows: [SAO Section 99]

Coal mine hazard areas~~((:))~~ ~~-- ((Ø))~~development standards and ~~((permitted))~~ alterations.

A. Development proposals and alterations on sites containing coal mine hazard areas shall comply with all applicable requirements set forth in this chapter including, but not limited to, mitigation requirements and the following standards:

1. Alterations within coal mine hazard areas shall not be ~~((permitted))~~ allowed without prior acceptance of a critical area report containing a coal mine hazard assessment ~~((report and provided that:))~~ that meets the requirements of K.C.C. 21A.24.120;

~~((1. Based upon recommendations contained within the report, a studied site shall be classified as one or a combination of the following:~~

- ~~—a. declassified coal mine areas;~~
- ~~—b. moderate coal mine hazard areas; or~~
- ~~—c. severe coal mine hazard areas.~~

~~2. The coal mine hazard assessment report shall be prepared by a professional engineer using methodology and assumptions consistent with standards or professional engineering guidelines adopted by the department. The report may contain the following as determined by the department to be necessary for the review of the proposed use:~~

~~—a. a statement of the professional engineer's qualifications and licensing information, together with a signature and stamped seal;~~

~~—b. a list of references utilized in preparation of the report;~~

~~—c. a description of the analytical tools and processes that have been used in the report;~~

~~—d. surface exploration data such as borings, drill holes, test pits, wells, geologic reports, and other relevant reports or site investigations that may be useful in making conclusions or recommendations about the site under investigation;~~

~~—e. a description of historical data and information used in the evaluation, together with sources. Such data and information shall include:~~

~~—(1) topographic maps at a scale and contour interval of sufficient detail to assess the site. The site boundaries and proposed site development shall be overlain with the mine plan view map, as appropriate;~~

~~—(2) copies of illustrative coal mine maps showing remnant mine conditions, if available;~~

~~—(3) aerial photography, as appropriate;~~

~~—(4) geological data including geologic crosssections and other illustrative data as appropriate; and~~

~~—(5) available historic mine records indicating the dates of operation, the date of cessation of active mining, the number of years since abandonment, mining methods, shoring and~~

timbering information, the strength of the overlying rock strata, the extracted seam thickness, the dip or inclination of the strata, workings and surface, the projected surface location of the seam outcrop or subcrop, the estimated depth of the seam outcrop or subcrop, if covered by glacial outwash, glacial till or other materials at depth, total coal tonnage produced, estimated coal mine by-product material produced and the estimated extraction ratio.

—f. a mine plan view map, reproduced at the same scale as the topographic map, showing the location of the mine, the extent of mining, the proposed site development, if applicable, and any remnant abandoned mine surface features. The following shall be included:

—(1) the layout of the underground mine;

—(2) the location of any mine entries, portals, adits, mine shafts, air shafts, timber shafts, and other significant mine features;

—(3) the location of any known sinkholes, significant surface depressions, trough subsidence features, coal mine spoil piles and other mine related surface features;

—(4) the location of any prior site improvements that have been carried out to mitigate abandoned coal mine features; and

—(5) zones showing varying overburden cover to seam thickness ratios, when appropriate.

—g. a statement as to the relative degree of accuracy and completeness of the maps and information reviewed, especially regarding historic mine map accuracy, and reasons why such sources are considered reliable for the purpose of the hazard assessment report;

—h. a mitigation plan containing recommendations for mitigation, as appropriate, for the specific proposed alteration;

~~—i. recommendations for additional study, reports, development standards or architectural recommendations for subsequent and more specific proposed alterations, as appropriate;~~
~~—j. analysis and recommendations, if any, of the potential for future trough subsidence and special mitigation; and~~
~~—k. a delineation of coal mine hazard areas for the site under investigation using a map identifying the specific category (i.e., severe, moderate, or declassified) of mine hazard area. For the purposes of obtaining accurate legal descriptions, the mine hazard areas shall be surveyed and the survey map shall be drawn at a scale of not less than 1"=200'.~~

~~3. Giving great weight to the licensing requirements of professional engineers and standards of professional accountability and liability, the department shall review the coal mine hazard assessment report and within the time period specified in K.C.C. 20.20.050 either accept the report, recommend revisions or additions to the report or return the report to the applicant as unacceptable and detail the specific deficiencies. In the event of a disagreement, the applicant may submit the report to a mutually agreed upon third party professional engineer who will conduct the review and issue a decision binding upon the department and applicant.~~

~~4. When a hazard assessment report has been accepted,)) 2. T((†))he applicant shall record a notice on the ((title of the property as follows)) face of the recorded subdivision, short subdivision, urban planned development or binding site plan for all affected lots or filed with the records and elections division as an attachment to the notice on title required under K.C.C.21A.24.170;~~

((("NOTICE"

~~"This property is located in an area of historic coal mine activity. A coal mine hazard assessment report has been prepared to characterize the potential hazards~~

contained on this property. The report is dated *[insert date of the final report]*, was prepared by *[insert name of professional engineer with license number]* at the direction of *[insert name of property owner]*, and reviewed by the King County department of development and environmental services *[and, if necessary, include name of peer reviewing professional engineer with license number]*. A review of the report is advised prior to undertaking unregulated or exempt land use activities and is required prior to undertaking regulated land use activities."))

B. ~~((Permitted alterations within a))~~ Alterations to coal mine hazard areas ~~((are allowed as follows, subject to other King County Code permit requirements))~~ may be allowed in accordance with applicable permits or approvals and subject to mitigation requirements set forth in K.C.C. chapter 21A.-- [New Chapter: Mitigation and Monitoring, Section 8], only as follows:

1. Within declassified coal mine areas all alterations are ~~((permitted))~~ allowed((-));

2. Within moderate coal mine hazard areas and coal mine by-product stockpiles, all alterations are ~~((permitted subject to a mitigation plan to minimize))~~ allowed when the risk of structural damage ((using appropriate criteria to evaluate the proposed use. If required or recommended by the hazard assessment report, the mitigation plan to address potential trough subsidence must be prepared by a professional engineer and may be included in the coal mine hazard assessment report or may be an additional study or report, as appropriate.)) is minimized; and

3. Within severe coal mine hazard areas the following alterations are ~~((permitted))~~ allowed:

a. all grading, filling, stockpile removal, and reclamation activities undertaken pursuant to a coal mine hazard assessment report with the intent of eliminating or mitigating threats to

human health, public safety, environmental restoration or protection of property(~~(, provided that)~~)
if:

- (1) signed and stamped plans have been prepared by a professional engineer;
- (2) as-built drawings are prepared following reclamation activities; and
- (3) the plans and as-built drawings shall be submitted to the department for inclusion with the coal mine hazard assessment report prepared for the property(~~(-)~~);

b. private road construction (~~(and maintenance activities, provided that mitigation to eliminate or minimize))~~ when significant risk of personal injury (~~(are incorporated into road construction or maintenance plans.))~~ is eliminated or minimized;

c. buildings with less than four-thousand square feet of floor area that contain no living quarters and that are not used as places of employment or public assembly(~~(, provided that mitigation to eliminate or minimize))~~ when significant risk of personal injury (~~(are incorporated into site, building, and/or landscaping plans.))~~ is eliminated or minimized; and

d. additional land use activities (~~(provided that they are))~~ if consistent with recommendations contained within any mitigation plan required by the hazard assessment report. (Ord. 13319 § 7, 1998: Ord. 11896 § 1, 1995: Ord. 10870 § 468, 1993).

SECTION 28. Ordinance 10870, Section 469, and K.C.C. 21A.24.220 are each hereby amended to read as follows: [SAO Section 100]

Erosion hazard areas(~~(:))~~ ~~=(D))~~development standards and (~~(permitted))~~ alterations.
Development proposals and alterations on sites containing erosion hazard areas shall be allowed, in accordance with applicable permits or approvals, only if they or any other alteration complies with all applicable requirements in this chapter, including but not limited to, mitigation requirements and the following standards:

A. Clearing ~~((on))~~ in an erosion hazard area ~~((is))~~ shall be allowed only from April 1 to ~~((September))~~ October 1, except that:

1. Up to ~~((15,000))~~ fifteen-thousand square feet within the erosion hazard area may be cleared at any time on ~~((any))~~ a lot, subject to any other requirement for vegetation retention and ~~((subject to any clearing and grading permit required by K.C.C. 16.82; and))~~ erosion and sediment control, as long as the clearing is not on any portion of a lot draining to a aquatic area located within two-hundred feet of the lot;

2. Noxious weeds may be cleared at any time; and

3. ~~((Timber harvest))~~ Forest practices regulated by the department may be allowed ~~((pursuant to an approved forest practice permit issued by the Washington Department of Natural Resources.))~~ at any time in accordance with a clearing and grading permit issued by the department and the harvest is done in conformance with chapter 76.09 RCW and Title 222 WAC in effect on the effective date of this ordinance, except that:

a. if chapter 76.09 RCW or Title 222 WAC conflicts with other development regulations administered by the department, the provision that provides the greatest environmental protection shall apply;

b. WAC 222-03-023 shall not apply to forest practices regulated under this section; and

c. if chapter 76.09 RCW or Title 222 WAC are amended after the effective date of this ordinance, the director may amend by public rule the forest practice standards that apply to forest practices regulated by the department if the amendments are consistent with RCW 76.09.240, the Growth Management Act and the King County Comprehensive Plan.

1103 B. ~~((All development proposals on sites containing erosion hazard areas shall include a~~
1104 ~~temporary erosion control plan consistent with this section and other laws and regulations prior to~~
1105 ~~receiving approval. Specific requirements for such plans shall be set forth in administrative rules.~~

1106 C.)) All subdivisions, short subdivisions, ~~((or))~~ binding site plans or urban planned
1107 developments on sites with erosion hazard areas shall ~~((comply with the following additional~~
1108 ~~requirements:~~

1109 1. ~~Except as provided in this section,))~~ retain existing vegetation ~~((shall be retained on all~~
1110 ~~lots))~~ in all erosion hazard areas until a building permit~~((s are))~~ is approved for development on
1111 ~~((individual lots;~~

1112 2. ~~If any vegetation on the lots is damaged or removed during construction of the~~
1113 ~~subdivision infrastructure, the applicant shall be required to submit a restoration plan to King~~
1114 ~~County for review and approval. Following approval, the applicant shall be required to implement~~
1115 ~~the plan;~~

1116 3. ~~Clearing of vegetation on lots may be allowed without a separate clearing and grading~~
1117 ~~permit if King County determines that:~~

1118 —a. ~~such clearing is a necessary part of a large scale grading plan;~~
1119 —b. ~~it is not feasible to perform such grading on an individual lot basis; and~~
1120 —c. ~~drainage from the graded area will meet water quality standards to be established by~~
1121 ~~administrative rules.~~

1122 D. ~~Where King County determines that erosion from a development site poses a significant~~
1123 ~~risk of damage to downstream receiving waters, based either on the size of the project, the~~
1124 ~~proximity to the receiving water or the sensitivity of the receiving water, the applicant shall be~~
1125 ~~required to provide regular monitoring of surface water discharge from the site. If the project does~~

~~not meet water quality standards established by law or administrative rules, the county may suspend further development work on the site until such standards are met.~~

~~E. The use of hazardous substances, pesticides and fertilizers in erosion hazard areas may be prohibited by King County.))~~ the lot, except that:

1. Vegetation may be removed as necessary for construction of related infrastructure; and

2. Noxious weeds may be removed as allowed in K. C. C. 21A.24.220.A.2. (Ord. 10870 § 469, 1993).

SECTION 29. Ordinance 10870, Section 470, and K.C.C. 21A.24.230 are each hereby amended to read as follows: [SAO Section101][amended]

Flood hazard areas((:)) = ((€))components.

A. A flood hazard area consists of the following components:

1. Floodplain;

2. Zero-rise ((F))flood fringe;

3. Zero-rise floodway; ~~((and))~~

4. ~~((Federal Emergency Management Agency ("))FEMA((")))~~ floodway; and

5. Channel migration zones.

B. King County shall determine the components of the flood hazard area after obtaining, reviewing and utilizing base flood elevations and available ~~((floodway))~~ floodplain data for a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "~~((100))~~ one-hundred-year flood." The base flood ~~((is))~~ shall be determined for existing conditions, unless a basin plan including projected flows under future developed conditions has been completed and adopted by King County, in which case these future flow projections shall be used.

C. In areas where the Flood Insurance Study for King County includes detailed base flood calculations, those calculations may be used until projections of future flows are completed and approved by King County. (Ord. 10870 § 470, 1993).

SECTION 30. Ordinance 10870, Section 471, as amended, and K.C.C. 21A.24.240 are each hereby amended to read as follows: [SAO Section 102][amended]

Zero-rise ((F)) flood fringe((:)) -- Development standards and ((permitted)) alterations.

A. Development proposals ~~((on sites within the))~~ and other alterations on sites containing the zero-rise flood fringe ((area)) shall ((meet)) comply with all applicable requirements in this chapter including, but not limited to, mitigation requirements and the following ((requirements))standards:

~~((A-))~~ 1. Development propos((als))ed alterations shall not reduce the effective base flood storage volume of the floodplain. If ((G))grading or other activity ((which would)) will reduce the effective storage volume ((shall be mitigated by creating)), compensatory storage shall be created on the site or off the site if legal arrangements can be made to assure that the effective compensatory storage volume will be preserved over time. ((Grading for construction of livestock manure storage facilities to control non-point source water pollution designed to the standards of and approved by the King Conservation District is exempt from this compensatory storage requirement.))

~~((B))~~ 2. All elevated construction shall be designed and certified by a ((professional)) structural engineer licensed by the ((S))state of Washington and shall be approved by ((King County prior to)) the department before construction((-));

3. All new construction and substantially improved structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;

~~((C.))~~ 4. Subdivisions, short subdivisions, urban planned developments and binding site plans shall meet the following requirements:

~~((1.))~~ a. ~~((N.))~~ new building lots shall contain ~~((5,000))~~ five-thousand square feet or more of buildable land outside the zero-rise floodway~~((, and))~~;

b. all utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed consistent with subsection B of this section;

c. notice on title in the form specified by administrative rule under K.C.C. 21A.24.170;

d. the following shall be shown on the face of the recorded subdivision, short subdivision, urban planned development or binding site plan for all affected lots or filed with the records and elections division as an attachment to the notice on title required under K.C.C. 21A.24.170:

(1) building setback areas ~~((shall be shown on the face of the plat to restrict permanent structures to this buildable area;))~~

~~((2. All utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed consistent with subsections D., E. and H.))~~ restricting permanent structures to designated buildable areas; and

~~((3))~~(2) ~~((B.))~~ base flood data and sources and flood hazard notes ~~((shall be shown on the face of the recorded subdivision, short subdivision or binding site plan))~~ including, but not limited to, ~~((the))~~ base flood elevation, required flood protection elevations and the boundaries of the floodplain and the zero-rise floodway, if determined~~((, and))~~.

~~((4 The following notice shall also be shown on the face of the recorded subdivision, short subdivision or binding site plan for all affected lots:~~

"NOTICE"

1194 ~~"Lots and structures located within flood hazard areas may be inaccessible by emergency~~
1195 ~~vehicles during flood events. Residents and property owners should take appropriate advance~~
1196 ~~precautions."~~

1197 ~~((D-))~~B. Alterations to the zero rise flood fringe may be allowed pursuant to applicable
1198 permits or approvals and subject to mitigation requirements set forth in this chapter, only as
1199 follows:

1200 1. New residential structures and substantial improvements of existing residential
1201 structures ~~((shall meet the following requirements))~~, except mobile homes, if:

1202 ~~((1))~~ a. ~~((F))~~the lowest floor ~~((shall be))~~ is elevated to the flood protection elevation;

1203 ~~((2))~~ b. ~~((P))~~portions of ~~((a))~~ the structure ~~((which))~~ that are below the lowest floor area
1204 ~~((shall))~~ are not ~~((be))~~ fully enclosed~~((:))~~;

1205 c. ~~((F))~~the areas and rooms below the lowest floor ~~((shall be))~~ are designed to
1206 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing
1207 for the entry and exit of floodwaters, as follows~~((-- Designs for satisfying this requirement shall~~
1208 ~~meet or exceed the following requirements))~~:

1209 ~~((a-))~~(1) a minimum of two openings shall be provided on opposite walls having a total
1210 open area of not less than one square inch for every square foot of enclosed area subject to flooding
1211 ~~((shall be provided))~~;

1212 ~~((b-))~~(2) the bottom of all openings shall be no higher than one foot above grade; and

1213 ~~((c-))~~(3) openings may be equipped with screens, louvers or other coverings or devices
1214 ~~((if))~~ as long as they permit the unrestricted entry and exit of floodwaters;

1215 ~~((3-))~~d. materials and methods ~~((which))~~ that are resistant to and minimize flood damage
1216 shall be used, and

1217 ~~((4-))~~e. all electrical, heating, ventilation, plumbing~~((;))~~ and air conditioning equipment
1218 and other utility and service facilities shall be flood-proofed to or elevated above the flood
1219 protection elevation~~((;-))~~;

1220 ~~((F))~~2. New nonresidential structures and substantial improvements of existing
1221 nonresidential structures ~~((shall meet the following requirements))~~ if:

1222 ~~((1. The elevation requirement for residential structures contained in subsection D.1 shall
1223 be met))~~

1224 a. the lowest floor is elevated to the flood protection elevation; or

1225 ~~((2))~~b. ~~((F))~~the structure ~~((shall be))~~ is dry flood-proofed to the flood protection elevation
1226 and ~~((shall))~~ meets the following ~~((requirements))~~ standards:

1227 ~~((a-))~~(1) the applicant shall provide certification by a ~~((professional))~~ civil or structural
1228 engineer licensed by the State of Washington that the flood-proofing methods are adequate to
1229 withstand the flood-depths, pressures, velocities, impacts, uplift forces and other factors associated
1230 with the base flood. After construction, the engineer shall certify that the permitted work conforms
1231 ~~((with))~~ to the approved plans and specifications; ~~((and))~~

1232 ~~((b-))~~(2) approved building permits for flood proofed nonresidential structures shall
1233 contain a statement notifying applicants that flood insurance premiums shall be based upon rates
1234 for structures ~~((which))~~ that are one foot below the flood proofed level;

1235 ~~((3-))~~(3) ~~((M))~~materials and methods ~~((which))~~ that are ~~((resistent))~~ resistant to and
1236 minimize flood damage shall be used; and

1237 ~~((4-))~~(4) ~~((A))~~all electrical, heating, ventilation, plumbing~~((;))~~ and air conditioning
1238 equipment and other utility and service facilities shall be flood-proofed to or elevated above the
1239 flood protection elevation~~((;-))~~;
1240 ~~((F. All new construction shall be anchored to prevent flotation, collapse or lateral~~
1241 ~~movement of the structure.))~~
1242 ~~((G))~~3. Newly sited ~~((M))~~mobile homes and substantial improvements of existing mobile
1243 homes ~~((parks shall meet the following requirements))~~if:
1244 ~~((1))~~a. ~~((Mobile homes, shall meet all requirements))~~ the standards in this section for
1245 ~~((flood hazard protection for))~~ residential structures are compiled with~~((;-))~~;
1246 b. placed on a permanent foundation;
1247 c. ~~((shall be))~~ anchored; and
1248 d. ~~((shall be))~~ mobile homes are installed using methods and practices ~~((which))~~ that
1249 minimize flood damage; ~~((and~~
1250 2)~~4.~~ ~~((No permit or approval for the following shall be granted unless all mobile homes~~
1251 ~~within the))~~ New mobile home parks, expansions of existing mobile home parks ~~((meet the~~
1252 ~~requirements for flood hazard protection))~~ if all mobile homes in the new mobile home park or
1253 expanded portion of an existing mobile home park meet the standards in this section for residential
1254 structures~~((;~~
1255 a. a new mobile home park;
1256 b. an expansion of an existing mobile home park; or
1257 c. any repair or reconstruction of streets, utilities or pads in an existing mobile home
1258 park which equals or exceeds 50 percent of the value of such streets, utilities or pads.));
1259 ~~((H))~~5. Public and private ~~((U))~~utilities ~~((shall meet the following requirements))~~ if.

1260 ((4))a. ((N)) new and replacement utilities including, but not limited to, sewage storage
 1261 treatment facilities ~~((shall be))~~ are dry flood-proofed to or elevated above the flood protection
 1262 elevation;

1263 ((2))b. ((N)) new on-site sewage disposal systems ~~((shall be))~~ are located, to the maximum
 1264 extent possible, ~~((located))~~ outside the limits of the base flood elevation~~((The installation of new~~
 1265 ~~on-site sewage disposal systems))~~ and may be installed in the zero rise flood fringe ~~((may be~~
 1266 ~~allowed))~~ if no feasible alternative sites ~~((is))~~ are available;

1267 ~~((3. Sewage and agricultural waste storage facilities shall be flood-proofed to the flood~~
 1268 ~~protection elevation;))~~

1269 ((4))c. ((A)) above-ground utility transmission lines, ~~((other than))~~ except for electric
 1270 transmission lines, ~~((shall))~~ are only ~~((be))~~ allowed for the transport of non-hazardous substances;
 1271 and

1272 ((5))d. ~~((Buried))~~ underground utility transmission lines transporting hazardous
 1273 substances ~~((shall be))~~ are buried at a minimum depth of four feet below the maximum depth of
 1274 scour for the base flood, as predicted by a ~~((professional))~~ civil engineer licensed by the State of
 1275 Washington, and ~~((shall))~~ achieve sufficient negative buoyancy so that any potential for flotation or
 1276 upward migration is eliminated~~((:))~~;

1277 ((f))6. Critical facilities ~~((may be allowed within the flood fringe of the floodplain, but))~~
 1278 only when no feasible alternative site is available and the following standards are complied with:~~((~~
 1279 ~~Critical facilities shall be evaluated through the conditional or special use permit process:))~~

1280 a. ((C))critical facilities ~~((constructed within the flood fringe))~~ shall have the lowest
 1281 floor elevated to three or more feet above the base flood elevation~~((:))~~;

b. ~~dry ((F))~~ flood-proofing and sealing measures shall be taken to ensure that hazardous substances will not be displaced by or released into floodwaters~~((-))~~;

c. ~~((A))~~ access routes elevated to or above the base flood elevation shall be provided to all critical facilities from the nearest maintained public street or roadway~~((-))~~;

~~((J. Prior to approving any permit for alterations in the flood fringe, King County shall determine that all permits required by state or federal law have been obtained.))~~

7. Maintenance, repair, replacement and expansions of existing roadways and the construction of new roadways;

8. Maintenance, repairs or replacement of streets, utilities or pads in existing mobile home parks;

9. Livestock flood sanctuaries on lands zoned agricultural (A) or on property enrolled in the Farmland Preservation Program if:

a. constructed and maintained to the standards approved by the United States National Resources Conservation Service and the King Conservation District;

b. located on a site in the agricultural (A) zone on which the grazing of livestock has been in continuous existence since at least November 27, 1990;

c. there is no other suitable holding area outside the floodplain to which the livestock has access;

d. no portion of the sanctuary is located within an aquatic area, wetland or their buffers except for a grazed wet meadow in compliance with administrative rules;

e. the sanctuary is sited and sized to have the minimum impact on floodwater conveyance;

f. compensatory storage is provided consistent with subsection A. of this section; and

g. the sanctuary is located as far as feasible from the main channel;

10. Livestock manure storage facilities on lands zoned agricultural (A) or on property enrolled in the Farmlands Preservation Program and associated nonpoint source pollution facilities designed, constructed and maintained to the standards of and approved in a conservation plan by the King Conservation District if the department reviews and approves the location and design of the facilities, and they are flood-proofed to the flood protection elevation; and

11. Vegetation removal. (Ord. 11621 § 76, 1994: Ord. 10870 § 471, 1993).

SECTION 31. Ordinance 10870, Section 472, and K.C.C. 21A.24.250 are each hereby amended to read as follows: [SAO Section 103][amended]

Zero-rise floodway((:)) == Development standards and ((permitted)) alterations.

A. ~~((The requirements which apply to the flood fringe shall also apply to the zero-rise floodway. The more restrictive requirements shall apply where there is a conflict.))~~

Development proposals and alterations on sites containing the zero-rise floodway shall comply with all applicable requirements set forth in this chapter including, but not limited to, mitigation requirements and the following standards:

~~((B:))~~ 1. ~~((A))~~ ~~((d))~~ Development proposals and alterations ~~((including, but not limited to, new or reconstructed structures))~~ shall not ~~((cause any))~~ increase ~~((in))~~ the base flood elevation ~~((unless the following requirements are met))~~ except as follows:

~~((1:))~~ a. amendments to the Flood Insurance Rate Map are adopted by FEMA, in accordance with 44 CFR 70, to incorporate the increase in the base flood elevation; and

~~((2:))~~ b. ~~((A))~~ appropriate legal documents are prepared in which all property owners affected by the increased flood elevations consent to the impacts on their property and any

1328 changes in the floodplain that may result from the proposal or alteration(-);

1329 ~~((These documents shall be filed with the title of record for the affected properties.))~~

1330 ~~((C.))~~ 2. The following are presumed to produce no increase in the base flood elevation
 1331 and shall not require a special study to establish this fact, provided post or piling construction
 1332 techniques are used:

1333 ~~((1.))~~ a. ((N))new residential structures outside the FEMA floodway on lots in existence
 1334 before November 27, 1990 ~~((which))~~ that contain less than ~~((5,000))~~ five-thousand square feet of
 1335 buildable land outside the zero-rise floodway ~~((and which have a))~~ if the total building footprint
 1336 of all existing and proposed structures on the lot ~~((of less than 2,000))~~ does not exceed two-
 1337 thousand square feet;

1338 ~~((2.))~~ b. ((S))substantial improvements of existing residential structures ~~((in the zero-~~
 1339 rise floodway, but outside the FEMA floodway, where)) if the footprint is not increased; or

1340 ~~((3.))~~ c. substantial improvements of existing residential structures that meet ~~((ing))~~ the
 1341 ~~((requirements))~~ standards for new residential structures in K.C.C. 21A.24.240.B.1 ~~((.))~~;

1342 3. K.C.C. 21A.24.240A shall also apply to and be complied with in the zero-rise
 1343 floodway; and

1344 ~~((D.))~~ 4. When ~~((P.))~~ post or piling construction techniques ~~((which permit water flow~~
 1345 beneath a structure shall be used)) are not used, a critical area report is required in accordance
 1346 with K.C.C. 21A.24.110 demonstrating that the proposal will cause no increase to the base flood
 1347 elevation;

1348 ~~((E.))~~ 5. The following shall be removed from the zero-rise floodway during the flood
 1349 season from September 30 to May 1:

1350 a. ((A))all temporary seasonal shelters, such as tents and recreational vehicles

1351 ~~((structures))~~;

1352 b. staging or stockpiling of equipment, materials or substances that the director
1353 determines may be hazardous to the public health, safety ((and)) or welfare~~((-except for~~
1354 ~~hazardous household substances or consumer products containing hazardous substances, shall be~~
1355 ~~removed from the zero-rise floodway during the flood season from September 30 to May 1)).~~

1356 B. Alterations to the zero-rise floodway may be allowed in accordance with applicable
1357 permits or approvals and subject to mitigation requirements set forth in this chapter, only as
1358 follows:

1359 ~~((F-))~~ 1. New residential structures, except mobile homes, ~~((or any structure accessory to~~
1360 ~~a residential use shall meet the following requirements))~~ if:

1361 ~~((1-))~~ a. the structures shall be outside the FEMA floodway; ~~((and~~

1362 ~~2-))~~ b. ((F))the structure((s shall be)) is located on a lot((s)) that was in existence before
1363 November 27, 1990 ~~((which))~~;

1364 c. the lot contains less than ((5,000)) five-thousand square feet of buildable land
1365 outside the zero-rise floodway;

1366 d. the structure is located the farthest practical distance from the channel, unless the
1367 applicant can show that an alternative location is less subject to risk((-)); and

1368 e. the structure meets the standards for new residential structures in K.C.C.
1369 21A.24.240B.1((-));

1370 2. Substantial improvements of existing residential structures, except mobile homes, if
1371 the structure meets the standards for substantial improvements in K.C.C. 21A.24.240B.1;

1372 3. New nonresidential structures and substantial improvements of existing
1373 nonresidential structures if the structure meets the standards for nonresidential structures in

1374 K.C.C. 21A.24.240B.2;

1375 4. Newly sited mobile homes and substantial improvements of existing mobile homes if
1376 the mobile home meets the standards for mobile homes in K.C.C. 21A.24.240B.3;

1377 5. Maintenance, repairs or replacement of streets, utilities or pads in existing mobile
1378 home parks;

1379 ~~((G.)) 6. Public and private ((U))utilities ((may be allowed within the zero rise~~
1380 ~~floodway))~~, except sewage treatment facilities other than on-site sewage disposal facilities, if:

1381 a. ((King County)) the department determines that no feasible alternative site is
1382 available((, subject to the following requirements:));

1383 ~~((I.)) b. ((Installation of new on-site sewage disposal systems shall be prohibited~~
1384 ~~unless))~~ a waiver is granted by the Seattle/King County department of public health for new on-
1385 site sewage disposal facilities; ((and

1386 ~~2. Construction of sewage treatment facilities shall be prohibited.))~~

1387 c. the utilities are flood-proofed to or elevated above the flood protection elevation;

1388 d. above-ground utility transmission lines, except for electric transmission lines, are
1389 only allowed for the transport of nonhazardous substances; and

1390 e. underground utility transmission lines transporting hazardous substances are buried
1391 at a minimum depth of four feet below the maximum depth of scour for the base flood, as
1392 predicted by a civil engineer, and achieve sufficient negative buoyancy so that any potential for
1393 flotation or upward migration is eliminated;

1394 ~~((H. Critical facilities shall not be allowed within the zero rise floodway except as~~
1395 ~~provided in subsection J.))~~

1396 7. Maintenance, repair, replacement and expansions of existing roadways and the

1397 construction of new roadways;

1398 ~~((1. Livestock manure storage facilities and associated non-point source water pollution~~
1399 ~~facilities designed, constructed and maintained to the standards of and approved in a~~
1400 ~~conservation plan by the King County Conservation District may be allowed if King County~~
1401 ~~reviews and approves the location and design of.))~~

1402 ~~((1.))~~ 8. Livestock flood sanctuaries on lands zoned agricultural (A) or on property
1403 enrolled in the Farmland Preservation Program if the sanctuary meets the standards for livestock
1404 flood sanctuaries in K.C.C. 21A.24.240B.9;

1405 9. Structures and installations ~~((which))~~ that are dependent upon the zero-rise floodway
1406 may be located in the zero-rise floodway if the development proposal is approved by all agencies
1407 with jurisdiction. Such structures may include, but are not limited to:

1408 ~~((1.))~~ a. dams or diversions for water supply, flood control, hydroelectric production,
1409 irrigation or fisheries enhancement;

1410 ~~((2.))~~ b. flood damage reduction facilities, such as levees and pumping stations;

1411 ~~((3.))~~ c. ~~((stream))~~ bank stabilization ~~((structures where))~~ projects only if no feasible
1412 alternative exists for protecting ~~((public or private property))~~ structures, public roadways, flood
1413 protection facilities or sole access routes. Bank stabilization projects shall be consistent with
1414 King County's Guidelines for Bank Stabilization Projects (King County Surface Water
1415 Management 1993) and shall use bioengineering to the maximum extent possible. Alternative
1416 methods to the Guidelines may be approved if the applicant demonstrates to the department's
1417 satisfaction that the alternative methods provide equivalent or better structural stabilization,
1418 ecological and hydrological functions and salmonid habitat where appropriate;

1419 ~~((4.))~~ d. ~~((Storm))~~ surface water conveyance facilities ~~((subject to the development~~

standards for streams and wetlands and the Surface Water Design Manual));
 ((5-)) e. ((B))boat launches and related recreation structures;
 ((6-)) f. ((B))bridge piers and abutments; and
 ((7-)) g. ((Other fisheries enhancement or stream)) approved aquatic area or wetland
 restoration projects including, but not limited to, fisheries enhancement projects; and
10. Vegetation removal. (Ord. 10870 § 472, 1993).

SECTION 32. Ordinance 10870, Section 473, and K.C.C. 21A.24.260 are each hereby
 amended to read as follows: [SAO Section 104][amended]

FEMA floodway((:)) = ((D))development standards and ((permitted)) alterations.

A. ~~((The requirements which apply to the zero-rise floodway shall also apply to the~~
~~FEMA floodway. The more restrictive requirements shall apply where there is a conflict.))~~
Development proposals and alterations on sites containing the FEMA floodway shall comply
with all applicable requirements set forth in this chapter including, but not limited to, mitigation
requirements and the following standards:

((B-)) 1. ((A)) ((d))Development proposals and alterations ~~((including, but not limited to,~~
~~new or reconstructed structures))~~ shall not ~~((cause any))~~ increase ~~((in))~~ the base flood
 elevation((:));

~~((C. New residential or nonresidential structures are prohibited within the FEMA~~
~~floodway.))~~

((D-)) 2. ~~((Substantial))~~ ((i))Improvements of existing residential structures in the FEMA
floodway, meeting the requirements of ((WAC 173-158-070)) RCW 86.16.041, as amended, that
are not substantial improvements are presumed to produce no increase in the base flood elevation
~~((and shall not require a special study to establish this fact.))~~ if the footprint is not increased; and

1443 3. K.C.C. 21A.24.240A.1, 2., 3. shall also apply to and be complied with in the FEMA
1444 floodway.

1445 B. Alterations to the FEMA floodway may be allowed pursuant to applicable permits or
1446 approvals and subject to mitigation requirements in this chapter, only as follows:

1447 1. Maintenance of an existing residential structure that is not a substantial improvement
1448 if the structure meets the standards for existing residential structures in K.C.C. 21A.24.240B.1;

1449 2. Maintenance of an existing nonresidential structure that is not a substantial
1450 improvement if the structure meets the standards for existing nonresidential structures in K.C.C.
1451 21A.24.240B.2;

1452 3. Maintenance of existing roadways;

1453 4. Maintenance and repair of existing streets, utilities or pads in existing mobile home
1454 parks; and

1455 5. Vegetation removal. (Ord. 10870 § 473, 1993).

1456 SECTION 33. Ordinance 10870, Section 474, and K.C.C. 21A.24.270 are each hereby
1457 amended to read as follows:

1458 **Flood hazard areas(~~(:)~~) ~~=~~ (~~(€)~~)certification by engineer or surveyor.**

1459 A. For all new structures or substantial improvements in a flood hazard area, the applicant
1460 shall provide (~~((certification))~~) a FEMA Elevation Certificate completed by a professional civil
1461 engineer or land surveyor licensed by the (~~((S))~~)state of Washington of:

1462 1. The actual as-built elevation of the lowest floor, including basement; and

1463 2. The actual as-built elevation to which the structure is flood-proofed, if applicable.

1464 B. The engineer or surveyor shall indicate if the structure has a basement.

C. King County shall maintain the certifications required by this section for public inspection. (Ord. 10870 § 474, 1993).

SECTION 34. Ordinance 11621, Section 75, and K.C.C. 21A.24.275 are each hereby amended to read as follows: [SAO Section 106][amended]

Severe ((C))channel ((relocation and stream meander areas)) migration hazard area -- development proposals or alterations allowed not requiring mitigation or minor habitat evaluation. ((No structure shall be allowed which would be at risk due to channel relocation or stream meander until the promulgation of a public rule.))

A. A development proposal or an alteration on a site containing a severe channel migration hazard shall comply with the aquatic area buffer standards in this chapter.

B. The following alterations to the buffer of an aquatic area that includes a severe channel migration hazard area may be allowed without providing mitigation or conducting a minor habitat evaluation:

1. Maintenance or repair of lawfully established existing bank stabilization structures, that are not a building that inhibit channel migration provided the maintenance or repair:

- a. does not increase the height of the facility;
- b. does not increase the linear length of the affected edge;
- c. does not expand the footprint of the facility waterward or into any landward aquatic habitat;
- d. uses approved bioengineering techniques to the maximum extent practicable; and
- e. restores the site with appropriate native vegetation in accordance with critical area mitigation administrative rules and guidelines;

- 1487 2. New bank stabilization projects to inhibit channel migration through the use of
1488 vegetation as part of an approved vegetation planting plan;
- 1489 3. Maintenance or repair of existing flood protection facilities;
- 1490 4. Maintenance, repair, structural modification or addition to any existing primary
1491 structures only if:
- 1492 a. there is no increase of the footprint;
- 1493 b. there is no relocation of the footprint closer to the aquatic area; and
- 1494 c. the maintenance, repair, structural modification or addition does not qualify as a
1495 substantial improvement under K.C.C. 21A.06.1270, unless:
- 1496 (1) conducted to comply with regulations pertaining to health, sanitation, building or
1497 fire safety; or
- 1498 (2) the structure is identified as a historic resource;
- 1499 5. Maintenance, repair, structural modification or addition to existing accessory
1500 structures only if:
- 1501 a. any additions to the footprint will not make the total footprint of all existing and
1502 proposed new accessory structures more than one-thousand square feet; and
- 1503 b. the footprint is not expanded towards the aquatic area, unless the applicant can
1504 show that the location is least subject to risk or has less impact on the aquatic area;
- 1505 6. Maintenance or repair of existing roads;
- 1506 7. Maintenance or repair of existing on-site sewage disposal facilities;
- 1507 8. Maintenance or repair of existing water supply wells and increases to the depth of
1508 existing water supply wells when necessary to capture water supplies;
- 1509 9. Removal of any human infrastructure for the purpose of habitat recovery; and

1510 10. Installation of new utility lines or facilities, including water pipelines, in an
1511 existing, maintained and improved roadway or railroad prism that is conducted consistent with
1512 the Regional Road Maintenance Guidelines if the new utility lines or facilities serve more than
1513 four dwelling units and there is no existing utility line or facility of the same type that serves
1514 more than four dwelling units in the existing, maintained and improved roadway or railroad
1515 prism. If the installation involves crossing a aquatic area, the alteration is allowed if conducted
1516 in accordance with this chapter.

1517 C. The following alterations to the buffer of an aquatic area that includes a severe
1518 channel migration hazard area may be allowed without providing mitigation or conducting a
1519 minor habitat evaluation if conducted beyond the minimum aquatic area buffer width established
1520 for a an aquatic area without a severe channel migration hazard area:

1521 1. Clearing of one-thousand square feet or up to a cumulative thirty-five percent of the
1522 lot; and

1523 2. Grading of up to fifty cubic yards on parcels less than five acres in size if it does not
1524 exceed the threshold requiring state Environmental Policy Act review.

1525 D. The following alterations to the aquatic area that includes a severe channel migration
1526 hazard area may be allowed without providing mitigation or conducting a minor habitat
1527 evaluation:

1528 1. Replacement of lawfully established existing culverts only if they are made fish
1529 passable. The site must be restored with appropriate native vegetation in accordance with critical
1530 area mitigation guidelines;

1531 2. Enhancement not associated with any other proposed alteration if accomplished
1532 according to a plan for its design, implementation, maintenance and monitoring prepared by a

1533 civil engineer and a qualified biologist and carried out under the direction of a qualified
1534 biologist.

1535 3. A minor restoration project for fish habitat enhancement if:

1536 a. the restoration is sponsored by a public agency with a mandate to do such work;

1537 b. the restoration is not associated with mitigation of a specific development proposal;

1538 c. the restoration is limited to placement of rock weirs, log controls, spawning gravel

1539 and other specific salmonid habitat improvements;

1540 d. the restoration only involves the use of hand labor and light equipment; or the use

1541 of helicopters and cranes which deliver supplies to the project site if they have no contact with

1542 the critical area or its buffer; and

1543 e. the restoration is performed under the direction of a qualified biologist. (Ord. 11621

1544 § 75, 1994).

1545 NEW SECTION. SECTION 35. There is hereby added to K.C.C. chapter 21A.24 a new

1546 section to read as follows:

1547 **Moderate channel migration hazard area -- development proposals and alterations**

1548 **allowed not requiring mitigation or minor habitat evaluation.**

1549 A. A development proposal on a site containing a moderate channel migration hazard

1550 area shall comply with the aquatic area buffer standards in this chapter.

1551 B. In addition to the alterations allowed to the aquatic area and the buffer of an aquatic

1552 area that includes a severe channel migration hazard area in K.C.C. 21A.275, the following

1553 alterations to the buffer of an aquatic area that includes a moderate channel migration hazard

1554 area may be allowed without providing mitigation or conducting a minor habitat evaluation:

1. New primary dwelling units, accessory dwelling units, accessory living quarters and residential accessory structures, only if:

a. the structure is located on a lot established on or before February 16, 1995;
b. a feasible alternative location outside of the moderate channel migration hazard area is not available on-site; and

c. the primary structure, supporting infrastructure and accessory structures are located the farthest practical distance from the migrating channel, unless the applicant can show that an alternative location is:

(1) the least subject to risk from channel migration; or
(2) within the outer third of the moderate channel migration hazard area as measured perpendicular to the channel.

2. The subdivision of property, only if:

a. all resulting lots contain five-thousand square feet or more of buildable land outside of the moderate channel migration hazard area;

b. access to all resulting lots does not cross the moderate channel migration hazard area; and

c. all infrastructure is located outside the moderate channel migration hazard area except that the septic system may be placed in the moderate channel migration hazard area if:

(1) a feasible alternative location is not available on-site; and
(2) it is located the farthest practical distance from the migrating channel.

NEW SECTION. SECTION 36. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

Channel migration zones -- alterations allowed requiring mitigation and a minor habitat evaluation. The following alterations to the buffer of an aquatic area that includes a channel migration zone may be allowed if a critical area report including a minor habitat evaluation is conducted in accordance with K.C.C. 21A.21.120 and mitigation is provided under K.C.C. chapter 21A.xx [New Chapter: Mitigation and Monitoring]:

A. New bank stabilization, and other actions to prevent bank erosion for the protection of:

1. Public roadways;
2. Flood protection facilities;
3. Sole access routes in existence before February 16, 1995; or
4. New primary dwelling units, accessory dwelling units or accessory living quarters and residential accessory structures if:

a. the site is adjacent to or abutted by properties on both sides containing buildings, sole access routes or legal bank stabilization in existence before February 16, 1995. The buildings, sole access routes or bank stabilization must be located no more than six hundred feet apart as measured parallel to the migrating channel; and

b. the new primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures are located no closer to the aquatic area than existing primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures on abutting or adjacent properties; and

B. All bank stabilization projects shall be consistent with King County's Guidelines for Bank Stabilization Projects (June 1993), and any updates, and use bioengineering alternatives whenever possible. Other methods may be proposed if the applicant demonstrates to the

satisfaction of the department that the methods provide equivalent structural stabilization and environmental function.

SECTION 37. Ordinance 10870, Section 475, as amended, and K.C.C. 21A.24.280 are each hereby amended to read as follows: [SAO Section 107 and SALT Section 112]

Landslide hazard areas ~~((:))~~ ~~== ((D))~~ development standards and ~~((permitted))~~ alterations.

A. ~~((A-d))~~ Development proposals and alterations on ~~((a))~~ sites containing ~~((a))~~ landslide hazard areas or buffers shall ~~((meet))~~ comply with all applicable requirements set forth in this chapter including, but not limited to, mitigation requirements and the following ~~((requirements))~~ standards:

~~((A. A minimum))~~ 1. A buffer or setback ~~((of 50 feet))~~ shall be established from all edges of the landslide hazard ~~((area. The buffer shall be extended as required to mitigate a steep slope or erosion hazard or as otherwise necessary to protect the public health, safety and welfare. For landslide hazard areas that are also steep slopes over 200 feet in height, the building setback shall be 50 feet from the buffer. The building setback may be reduced to a minimum of 15 feet from the buffer if, based on a special study, King County determines that the reduction will adequately protect the proposed development and the sensitive area. For single family residential building permits only, King County may waive the special study requirement and authorize building setback reductions, pursuant to K.C.C. 21A.24.075 or if King County determines that the reduction will adequately protect the proposed development and the sensitive area))~~. The size of the buffer or setback shall be determined by the department to eliminate or minimize the risk of property damage, death or injury resulting from landslides caused in whole or part by the development, based upon a critical area report prepared by a geotechnical engineer or geologist. If

a critical area report is not submitted to the department, the minimum buffer shall be fifty feet, and the minimum building setback shall be as prescribed in K. C. C. 21A.24.200 unless the landslide hazard area has a vertical rise of more than two-hundred feet, in which case the department may increase the minimum building setback to one-hundred feet;

~~((B.))~~2. Unless otherwise provided ~~((herein))~~ or as a necessary part of an approved alteration, removal of any vegetation from a landslide hazard area or buffer shall be prohibited~~((;~~ except for limited removal of vegetation necessary for surveying purposes and for the removal of hazard trees determined to be unsafe according to tree selection rules promulgated pursuant to this chapter. Notice to King County shall be provided prior to any vegetation removal permitted by this subsection;

~~C. Vegetation on slopes within a landslide hazard area or buffer which has been damaged by human activity or infested by noxious weeds may be replaced with vegetation native to King County pursuant to an enhancement plan approved by King County. The use of hazardous substances, pesticides and fertilizers in landslide hazard areas and their buffers may be prohibited by King County)); and~~

3. All alterations shall be undertaken in a manner to minimize disturbance to the landslide harard area , slope and vegetation unless necessary for slope stabilization.

~~((D.))~~B. Alterations to landslide hazard areas ~~((and buffers))~~ may be allowed, in accordance with applicable permits or approvals and subject to mitigation requirements in this chapter, only as follows:

1. ~~((A landslide hazard area located on a slope 40% or steeper may be altered only if the alteration meets the standards and limitations set forth for steep slope hazard areas in K.C.C. 21A.24.310;))~~ Maintenance of structures in existence before November 27, 1990 that do not meet

1646 the requirements of this chapter for landslide hazard areas and do not involve any expansion of the
1647 structures if:

1648 a. the landslide hazard poses little or no risk of death or injury; or

1649 b. the risk of landsliding is low;

1650 2. Surface water conveyances if the department finds that:

1651 a. discharging the surface water at the base of the landslide hazard area has less adverse
1652 impact upon the critical area than if the surface water were dispersed at the top of the landslide
1653 hazard area; and

1654 b. adverse impacts to salmonids are minimized, to the maximum extent possible, by
1655 maintaining the prealteration ground water volume to support salmonid habitat in receiving water
1656 bodies;

1657 3. Public and private utilities and utility corridors if the applicant shows that:

1658 a. the alterations involved will not subject the critical area to an increased risk of
1659 landslide or erosion; and

1660 b. vegetation removal is limited to the minimum necessary to locate the utility or
1661 construct the corridor;

1662 4. Normal and routine maintenance of existing public and private utility facilities and
1663 utility corridors if the applicant shows that:

1664 a. the alterations involved will not subject the critical area to an increased risk of
1665 landslide or erosion; and

1666 b. vegetation removal for the purpose of utility and corridor maintenance is the
1667 minimum necessary to maintain the utility's functions;

1668 5. Vegetation removal activities, as follows:

- 1669 a. the removal of noxious weeds;
- 1670 b. the removal of vegetation, only as necessary for surveying purposes; and
- 1671 c. the removal of hazard trees, as determined by the department;
- 1672 6. Tilling, disking, planting, seeding, harvesting, preparing soil, rotating crops, growing
- 1673 nursery stock and related activities for pasture, crops, grass seed or sod, if these activities have
- 1674 been in continuous existence since at least November 27, 1990. For the purpose of this subsection,
- 1675 “continuous existence” includes cyclical operations normally associated with these agricultural
- 1676 activities. Any expansion of these activities in the landslide hazard area is prohibited;
- 1677 7. Lawful mining and quarrying activities;
- 1678 8. Stabilization of sites where erosion or landsliding threatens public or private structures,
- 1679 utilities, roadways, driveways or publicly maintained trails or where erosion or landsliding
- 1680 threatens any aquatic area, wetland or shoreline. Stabilization work shall be performed in a
- 1681 manner that causes the least possible disturbance to the slope and its vegetative cover;
- 1682 9. Exploratory drilling and testing, involving only necessary and limited clearing and
- 1683 grading, for the purpose of preparing critical area reports;
- 1684 10. The application of herbicides or other hazardous substances, if necessary, as approved
- 1685 by the department, and
- 1686 ~~((2. A))~~ 11. Any alterations in a landslide hazard area located on a slope less than ((40%
- 1687 ~~may be altered))~~ forty percent only if ((the alteration meets the following requirements)):
- 1688 a. ~~((development proposal))~~ proposed alteration will not decrease slope stability on
- 1689 contiguous properties; and

b. ~~((mitigation based on the best available engineering and geological practices is implemented which either eliminates or minimizes))~~ the risk of property damage, death or injury resulting from ~~((landslides))~~ landsliding is eliminated or minimized~~((; and~~

~~3. Neither buffers nor a sensitive area tract shall be required if the alteration meets the standards of subsection D.2)).~~

C. Forest practices regulated by the department may be conducted on slopes less than sixty percent under a clearing and grading permit issued by the department if the harvest is done in conformance with chapter 76.09 RCW and Title 222 WAC in effect on the effective date of this ordinance, except that:

1. If chapter 76.09 RCW or Title 222 WAC are in conflict with other development regulations administered by the department, the provision that provides the greatest environmental protection shall apply;

2. WAC 222-30-023 shall not apply to forest practices regulated under this section;

3. Forest practices shall not be conducted within two-hundred feet upslope from a wetland or an aquatic area;

4. Forest practices shall not subject the slope to an increased risk of landslide or erosion;

5. Any impact from slope failure or erosion, if it were to occur, shall be fully contained on the site and shall not affect any wetland or aquatic area; and

6. If chapter 76.09 RCW or Title 222 WAC are amended after the effective date of this ordinance, the director may amend by public rule the forest practice standards that apply to forest practices regulated by the department if the amendments are consistent with RCW 76.09.240, the Growth Management Act and the King County Comprehensive Plan. (Ord. 12822 § 9, 1997: Ord. 10870 § 475, 1993).

SECTION 38. Ordinance 10870, Section 476, and K.C.C. 21A.24.290 are each hereby amended to read as follows: [SAO Section 108]

Seismic hazard areas ~~((:))~~ ~~== ((D))~~ development standards and ~~((permitted))~~ alterations.
~~((A-d))~~ Development proposals and alterations on ~~((a))~~ sites containing ~~((a))~~ seismic hazard areas shall ~~((meet))~~ be allowed, in accordance with applicable permits or approvals, only if they or any other alteration complies with this chapter including, but not limited to, mitigation requirements and the following ~~((requirements))~~ standards:

A. ~~((Unless exempt, d))~~ Development proposals shall ~~((be subject to review standards based on two occupancy types: critical facilities and other structures. The review standards for critical facilities shall be based on larger earthquake reoccurrence intervals. The review standards for both occupancy types shall be set forth in administrative rules;))~~ satisfy the foundation standards of the building code as adopted in K. C. C. 16.04.010, not including the building code's exceptions to those standards; and

B. ~~((Alterations to seismic hazard areas may be allowed only as follows:~~

1. ~~The evaluation of site specific subsurface conditions shows that the proposed development site is not located in a seismic hazard area; or~~

2. ~~Mitigation based on the best available engineering and geological practices is implemented which either eliminates or minimizes the risk of damage, death or injury resulting from seismically induced settlement or soil liquefaction; and~~

3. ~~Mobile homes may be placed in seismic hazard areas without performing special studies to address the seismic hazard. Such mobile homes may be subject to special support and tie-down requirements. These requirements shall be set forth in administrative rules.~~

1735 ~~€.))~~ The following shall be exempt from the provisions of this section and mitigation
 1736 requirements:

1737 1. Buildings with less than ~~((2500))~~ two-thousand-five hundred square feet of floor area
 1738 or roof area ~~((€))~~ whichever is greater ~~((that contain no living quarters and that))~~ , and that are not
 1739 residential structures or used as places of employment or public assembly ~~((exempt from the~~
 1740 provisions of this section.));

1741 2. Additions, less than two-hundred-fifty square feet, to single story residences; and

1742 3. Fences. (Ord. 10870 § 476, 1993).

1743 SECTION 39. Ordinance 10870, Section 477, and K.C.C. 21A.24.300 are each hereby
 1744 amended to read as follows: [SAO Section 109]

1745 **Volcanic hazard areas~~((:))~~ ~~== ((Ð))~~development standards and ~~((permitted))~~**
 1746 **alterations.** ~~((A-d))~~Development proposals and alterations on ~~((a))~~ sites containing ~~((a))~~ volcanic
 1747 hazard areas shall ~~((meet))~~ be allowed, in accordance with applicable permits or approvals, only if
 1748 they or any other alteration complies with this chapter including, but not limited to, mitigation
 1749 requirments and the following ~~((requirements))~~ standards:

1750 A. Within volcanic hazard areas located along the White ~~((R))~~river upstream from Mud
 1751 Mountain ~~((Ð))~~dam:

1752 1. ~~((No-e))~~Critical facilities shall not be constructed or located;

1753 2. ~~((No-n))~~New apartments, townhouses or commercial structures shall not be constructed
 1754 or located;

1755 3. All new lots created by subdivision, short subdivision or binding site plan shall
 1756 ~~((require))~~ have designated building areas and building setbacks outside of the volcanic hazard area
 1757 ~~((which shall be designated with building setback areas))~~; and

4. ~~((New))~~ The notice on title required under K. C. C. 21A.24.170 shall be filed for new single detached ~~((residential construction))~~ dwellings on existing lots ~~((may be allowed if the applicant records with the records and elections division the following notice on all title documents:~~

"NOTICE"

~~"The structures on this property are located in an area which may be inundated by mudflows originating on Mount Rainier. For further information regarding this hazard, please contact King County";~~

B. Within volcanic hazard areas located along the White ~~((R))~~ river downstream from Mud Mountain ~~((D))~~ dam and the Green and Duwamish ~~((R))~~ rivers~~((:))~~, critical facilities shall be evaluated for risk of inundation or flooding resulting from mudflows originating on Mount Rainier. These structures shall be designed to withstand, without damage, the effects of mudflows equal in magnitude to the prehistoric Electron ~~((M))~~ mudflow; and

C. This section shall not become effective until King County has completed the required modeling and mapping of volcanic hazard areas. (Ord. 10870 § 477, 1993).

SECTION 40. Ordinance 10870, Section 478, as amended, and K.C.C. 21A.24.310 are each hereby amended to read as follows: [SAO Section 110 and SALT Section 113]

Steep slope hazard areas~~((:))~~ ~~((D))~~ development standards and ~~((permitted))~~ alterations.

A. ~~((A-d))~~ Development proposals on ~~((a))~~ sites containing ~~((a))~~ steep slope hazard areas shall ~~((meet))~~ comply with this chapter including, but not limited to, mitigation requirements and the following ~~((requirements))~~ standards:

~~((A-)) 1. A ((minimum)) buffer or setback ((of fifty feet)) shall be established from ((the~~
~~top, toe and along all sides of any slope forty percent or steeper. The buffer shall be extended as~~
~~required to mitigate a landslide or erosion hazard or as otherwise necessary to protect the public~~
~~health, safety and welfare. The buffer may be reduced to a minimum of ten feet if, based on a~~
~~special study, King County determines that the reduction will adequately protect the proposed~~
~~development and the sensitive area. The buffer may only be reduced to twenty five feet in the case~~
~~of erosion hazard areas. For single family residential building permits only, King County may~~
~~waive the special study requirement and authorize buffer reductions, pursuant to K.C.C.~~
~~21A.24.075 or if King County determines that the reduction will adequately protect the proposed~~
~~development and the sensitive area;))~~ all edges of the steep slope hazard area. The size of the
buffer or setback shall be determined by the department to eliminate or minimize the risk of
property damage, death or injury resulting from slope instability, landsliding or erosion caused in
whole or part by the development, based upon a critical area report prepared by a geotechnical
engineer or geologist. If a critical area report is not submitted to the department, the minimum
buffer shall be fifty feet, and the minimum building setback shall be as prescribed in K. C. C.
21A.24.200; and

~~((B-)) 2. Unless otherwise provided ((herein)) or as a necessary part of an approved~~
~~alteration, removal of any vegetation from a steep slope hazard area or buffer shall be prohibited((;~~
~~except for limited removal of vegetation necessary for surveying purposes and for the removal of~~
~~hazard trees determined to be unsafe according to tree selection rules promulgated pursuant to this~~
~~chapter. Notice to King County shall be provided prior to any vegetation removal permitted by~~
~~this subsection;~~

~~C. Vegetation on steep slopes within steep slope hazard areas or their buffers which has been damaged by human activity or infested by noxious weeds may be replaced with vegetation native to King County pursuant to a vegetation management plan approved by King County. The use of hazardous substances, pesticides and fertilizers in steep slope hazard areas and their buffers may be prohibited by King County));~~

~~((D.))~~B. Alterations to steep slope hazard areas and buffers may be allowed in accordance with applicable permits or approvals and subject to mitigation requirements in this chapter, only as follows:

~~1. ((Approved s))~~Surface water conveyances~~((, as specified in the Surface Water Design Manual, may be allowed on steep slopes if they are))~~ if the department finds that:

a. the conveyance is installed in a manner to minimize disturbance to the slope and vegetation;

b. discharging the surface water at the base of the steep slope hazard area has less adverse impact upon the critical area than if the surface water were dispersed at the top of the slope; and

c. adverse impacts to salmonids are minimized, to the maximum extent possible, by maintaining the prealteration ground water volume to support salmonid habitat in receiving water bodies;

~~2. Public and private trails ((may be allowed on steep slopes as approved by the county. Under no circumstances shall))~~ as long as the trails ((be)) are not constructed of ((concrete, asphalt or other)) impervious surfaces which will contribute to surface water run-off, unless such construction is necessary for soil stabilization or soil erosion prevention or unless the trail system is specifically designed and intended to be accessible to handicapped persons. ~~((Additional~~

1824 ~~requirements for trail))~~ Trail construction (~~((may be set forth in administrative rules))~~) shall be in
1825 compliance with any administrative rules adopted under this chapter;

1826 3. Public and private utility and utility (~~((Utility))~~) corridors (~~((may be allowed on steep~~
1827 ~~slopes if a special study))~~) if the applicant shows that:

1828 a. the (~~((such))~~) alterations involved will not subject the critical area to the increased risk
1829 of landslide or erosion; and

1830 b. vegetation removal is limited to the minimum necessary to locate the utility or
1831 construct the corridor;

1832 4. Normal and routine maintenance of existing public and private utility facilities and
1833 utility corridors if the applicant show that:

1834 a. the alterations involved will not subject the critical area to an increased risk of
1835 landslide or erosion;

1836 b. vegetation removal for the purpose of utility and corridor maintaenance is the
1837 minimum necessary to maintain the utility's function;

1838 5. Vegetation removal activities, as follows:

1839 a. the removal of noxious weeds;

1840 b. the removal of vegetation, only as necessary for surveying purposes;

1841 c. the removal of hazard trees, as determined by the department; and

1842 (~~((4-))~~) d. the (~~((L))~~) limited trimming and pruning of vegetation (~~((may be allowed on steep~~
1843 ~~slopes pursuant to an approved vegetation management plan))~~) for the (~~((creation))~~) making and
1844 maintenance of views if the soils are not disturbed and the activity is (~~((subject to))~~) in compliance
1845 with administrative rules adopted under this chapter;

6. Tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, growing nursery stock and related activities for pasture, crops, grass seed or sold, if these activities have been in continuous existence since at least November 27, 1990. For the purpose of this subsection, “continuous existence” includes cyclical operations normally associated with these agricultural activiteis. Any expansion of these activities in the steep slope hazard area is prohibited;

~~((5. Approved))~~ 7. Lawful mining and quarrying activities ~~((may be allowed; and))~~;
~~((6.))~~ 8. Stabilization of sites where erosion or landsliding threaten public or private structures, utilities, ~~((roads))~~ roadways, driveways or trails, or where erosion ~~((and))~~ or landsliding threatens any ~~((lake, stream, wetland or shoreline))~~ aquatic area or wetland. Stabilization work shall be performed in a manner which causes the least possible disturbance to the slope and its vegetative cover; ~~((and))~~

~~((7. Reconstruction, remodeling or replacement of existing structures.))~~
9. Reconstruction, remodeling, or replacement of an existing structure upon another portion of an existing impervious surface which was established pursuant to ~~((King County laws and regulations may be allowed provided))~~ law only as follows:

- a. if within the buffer, the structure is located no closer to the steep slope than the existing structure~~((;))~~ ; and
- b. the existing impervious surface within the ~~((buffer or))~~ steep slope or buffer is not expanded as a result of the reconstruction , remodeling or replacement~~((;))~~;

~~((E.))~~ 10. Point discharges from surface water facilities onto or upstream from steep slope hazard areas that are also erosion hazard areas shall be prohibited except as follows:

- ~~((F.))~~ a. ~~((C.))~~ conveyed via continuous storm pipe downslope to a point where there are no erosion hazard areas downstream from the discharge;

~~((2-))~~ b. ~~((D))~~discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predevelopment state; or

~~((3-))~~ c. ~~((D))~~dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff~~((:))~~ ;

11. Exploratory drilling and testing, involving only necessary and limited clearing and grading, for the purpose of preparing critical area reports;

12. The application of herbicides or other hazardous substances, if necessary, as approved by the department; and.

13. Forest practices regulated by the department on slopes less than sixty percent under a clearing and grading permit issued by the department if the harvest is done in conformance with chapter 76.90 RCW and Title 222 WAC in effect as of the effective date of this ordinance, except that:

a. If chapter 76.09 RCW or Title 222 WAC conflicts with other development regulations administered by the department, the provision that provides the greatest environmental protection shall apply;

b. WAC 222-30-023 shall not apply to forest practices regulated under this section;

c. Forest practices shall not be conducted within two-hundred feet upslope from or within a wetland or an aquatic area;

d. Forest practices shall not subject the slope to an increased risk of landslide or erosion;

e. Any impacts from slope failure or erosion, if it were to occur, shall be fully contained on the site and shall not affect any wetland or aquatic area; and

f. If chapter 76.09 RCW or Title 222 WAC are amended after the effective date of this ordinance, the director may amend by public rule the forest practice standards that apply to forest practices regulated by the department if the amendments are consistent with chapter 76.09 RCW, the Growth Management Act and the King County Comprehensive Plan.

~~((F.))~~ C. The following are exempt from the provisions of this section and mitigation requirements in K.C.C. chapter 21A.-- [New Chapter: Mitigation and Monitoring]:

1. ~~((Slopes which))~~ Altering slopes that are forty percent or steeper with a vertical elevation change of up to twenty feet if ~~((no))~~ adverse impacts will not result from the exemption based on ~~((King County's))~~ the department's review of and concurrence with a ~~((soils report prepared by a geologist or geotechnical engineer))~~ critical areas report; and

2. ~~((The approved regrading of any slope which was created through previous))~~ Regrading and stabilizing of a slope formed as a result of a legal grading ((activities)) activity, if the regrading or stabilization is also authorized as a legal grading activity. ((Any slope which remains)) If the resulting slope is forty percent or steeper ~~((following site development))~~ it shall be subject to all requirements ~~((for))~~ applicable to steep slopes. (Ord. 13190 § 21, 1998: Ord. 11621 § 77, 1994: Ord. 11273 § 5, 1994: Ord. 10870 § 478, 1993).

NEW SECTION. SECTION 41. There is added to K.C.C. chapter 21A.24 a new section to read as follows:

Wetlands: categories. Wetlands are categorized based on the Washington State Wetland Rating System for Western Washington (Ecology #93-74, 1993) as follows:

A. Category I wetlands include:

1. Wetlands that have documented habitat for, or occurrence of, a federal or state listed endangered or threatened fish, animal or plant species;

1914 2. Wetlands with high quality wetland vegetation classes that qualify for inclusion in
1915 the Natural Heritage Information System;

1916 3. Wetlands that are documented as or meet the criteria for regionally significant
1917 waterfowl or shorebird concentration areas;

1918 4. Wetlands with irreplaceable ecological functions, including bogs, fens, estuarine
1919 wetlands, or forested wetlands; or

1920 5. Wetlands of exceptional local significance including, but not limited to, rarity,
1921 groundwater recharge areas, significant habitats, unique educational sites or other specific
1922 functions or values within a watershed or other regional boundary. “Wetlands of exceptional
1923 local significance” specifically includes:

1924 a. Wetlands identified in approved King County basin plans or other watershed based
1925 plans as regionally significant resource area wetlands;

1926 b. Wetlands that have forty to sixty percent permanent open water in dispersed patches
1927 with two or more wetland vegetation classes;

1928 c. Wetlands that are equal to or more than ten acres in size that have three or more
1929 wetland vegetation classes, one of which is submerged aquatic bed in permanent open water;

1930 d. Wetlands that are located within two-hundred-fifty feet of an aquatic area or a
1931 wildlife network or that are part of a wetland complex;

1932 e. Individual wetlands of exceptional local significance identified by administrative
1933 rule.

1934 B. Category II wetlands meet no category I criteria and include:

1935 1. Wetlands that have documented habitat for, or occurrence of, a federal or state listed
1936 fish, animal or plant species other than endangered or threatened species;

2. Wetlands located within the areas designated by the comprehensive plan as rural areas or natural resource lands that have documented habitat for candidate species identified by the Washington Department of Ecology;

3. Wetlands that contain priority species or habitats recognized by state agencies or King County;

4. Wetlands with significant functions that may not be adequately replicated through creation or restoration;

5. Wetlands with significant habitat value of twenty-two or more points from the Washington State Wetlands Rating System for Western Washington; or

6. Wetlands of local significance that do not qualify as category I wetlands. “Wetlands of local significance” specifically includes:

a. Wetlands identified in approved King County basin plans or other watershed based plans as locally significant resource area wetlands;

b. Individual wetlands of local significance identified by administrative rule.

C. Category III wetlands satisfy no category I, II or IV criteria and include wetlands with a habitat value of twenty-one points or less from the Washington State Wetlands Rating System for Western Washington.

D. Category IV wetlands meet no category I, II or III criteria and include

1. Isolated wetlands that are less than one acre and comprised of only one vegetation class that is dominated by greater than eighty percent areal cover consisting of juncus effusus, spirea douglasii or typha latifolia, commonly known as soft rush, hard hack or cattail; and

2. Isolated wetlands that are less than two acres with one wetland vegetation class and greater than ninety percent of areal cover in any combination of non-native plant species.

E. Wetlands that are located outside of the mapped one-hundred year floodplain and that are hydrologically connected to each other and have connected buffers will be considered as one wetland for wetland categorization purposes.

F. Wetland rating categories shall not recognize illegal modifications.

G. The wetland categories in subsections A through D of this section may be modified by administrative rule to be consistent with modifications adopted by the department of ecology to the Washington State Wetland Rating System for Western Washington.

SECTION 42. Ordinance 10870, Section 479, and K.C.C. 21A.24.320 are each hereby amended to read as follows: [SAO Section 112] [amended]

Wetlands(~~(Development standards)~~) -- buffers and buffer width averaging. (~~(A development proposal on a site containing a wetland shall meet the following requirements:))~~

A. The following minimum buffers shall be established from the wetland edge:

- ~~((1. A class 1 wetland shall have a 100-foot buffer;~~
- ~~2. A class 2 wetland shall have a 50-foot buffer;~~
- ~~3. A class 3 wetland shall have a 25-foot buffer;~~
- ~~4. Any wetland restored, relocated, replaced or enhanced because of a wetland alteration shall have the minimum buffer required for the highest wetland class involved; and~~
- ~~5. Any wetland within 25 feet of the toe of a slope 30% or steeper, but less than 40%, shall have:~~
 - ~~a. the minimum buffer required for the wetland class involved or a 25-foot buffer beyond the top of the slope, whichever is greater, if the horizontal length of the slope including small benches and terraces is within the buffer for that wetland class; or~~

~~—b. a 25-foot buffer beyond the minimum buffer required for the wetland class involved if the horizontal length of the slope including small benches and terraces extends beyond the buffer for that wetland class;))~~

1. A category I wetland shall have a three-hundred-foot buffer;

2. A category II wetland shall have a two-hundred-foot buffer;

3. A category III wetland shall have a one-hundred-foot buffer;

4. A category IV wetland shall have a fifty-foot buffer;

5. The buffer for a wetland created, restored or enhanced shall be the same as the buffer required for the category of the created, restored or enhanced wetland; and

6. If the wetland buffer includes a steep slope hazard area as defined in K.C.C. 21A.06.1230, the wetland buffer width shall be the greater of either the buffer in this section or twenty-five feet beyond the top of the steep slope hazard area.

7. The buffer of any associated wetland shall be the width of the applicable aquatic area water type or wetland category, whichever is wider.

8. The buffer of any wetland complex with five or more wetlands shall be determined through a critical area report including an analysis of the nature of the complex.

~~B. ((Buffer width averaging may be allowed by King County if it will provide additional protection to the wetlands to enhance their functions, as long as the total area contained in the buffer on the development proposal sited does not decrease;))~~ Minimum buffer widths may be modified on a case-by-case basis by averaging buffer widths when an applicant demonstrates through a wetland functional analysis in a critical area report by a wetland scientist that the character of the buffer varies in slope, soils or vegetation and the wetland would benefit from a

2004 wider buffer in places and not be adversely impacted by a narrower buffer in places and all of the
2005 following criteria are met:

2006 1. Averaging will increase wetland or buffer functions;
2007 2. Averaging will not adversely affect salmonid habitat;
2008 3. Averaging will provide additional natural resource protection which may include
2009 buffer enhancement or protection of wetland dependent wildlife habitat;
2010 4. The total area of the buffer after averaging is equivalent to the area of the buffer prior
2011 to averaging;
2012 5. The buffer width is not reduced to less than seventy-five percent of the standard buffer
2013 width at any point unless the applicant demonstrates that the proposed buffer width will result in
2014 substantial enhancement of the buffer's overall function;
2015 6. The additional buffer is contiguous with the standard buffer;
2016 7. The yard area between any structure and the edge of the reduced buffer shall meet
2017 minimum applicable building setback requirements. If the buffer width averaging allows a
2018 structure or yard to intrude into the standard buffer area, the resulting yard shall extend no more
2019 than fifteen feet from the edge of the structure's footprint toward the reduced buffer; and
2020 8. fencing shall be required to demarcate the buffer edge, along with permanent signs,
2021 identifying the presence of a critical area. Fencing shall provide sufficient openings along the
2022 buffer edge for movement of wetland dependent wildlife.

2023 C. Increased buffer widths ~~((shall))~~ may be required ~~((by King County))~~ when necessary to
2024 protect wetlands. Provisions for additional buffer widths shall be contained in administrative rules
2025 ~~((promulgated pursuant to))~~ adopted under this chapter and may include ~~((ing))~~e, but are not limited
2026 to, provisions pertaining to critical drainage areas, location of hazardous substances, critical fish

and wildlife habitat, landslide or erosion hazard areas contiguous to wetlands, groundwater recharge and discharge and the location of trail or utility corridors;

~~D. ((The use of hazardous substances, pesticides and fertilizers in the wetland and its buffer may be prohibited by King County;~~

~~E. Unless otherwise provided, the following restrictions shall apply to all development proposals which include the introduction of livestock:~~

~~1. To prevent damage to class 1 and 2 wetlands:~~

~~a. a plan to protect and enhance the wetland's water quality shall be implemented pursuant to 21A.30; or~~

~~b. fencing located not closer than the buffer edge shall be required; and~~

~~2. Standards pertaining to access to streams for watering purposes, stream crossing requirements and use of natural barriers and vegetative buffering in lieu of fencing shall be included in administrative rules promulgated pursuant to this chapter;~~

~~F. The livestock restrictions contained in subsection E. shall not apply to wetlands defined as grazed wet meadows, regardless of their classification.~~

~~Increased buffer widths are encouraged via incentives to protect movement corridors between wetlands located within certain distances of each other and to protect wetland dependent wildlife habitat that meets certain criteria. The department will provide guidance documents that describe different incentive programs and criteria describing when protection of such movement corridors and habitat areas are desired.))~~

Where an existing roadway that complied with the law at the time it was built transects the buffer the minimum buffer width may be reduced to the edge of the roadway if an applicant demonstrates to the department that the part of the buffer sought to be reduced does not provide

additional protection to the proposed development or the critical area and does not perform any biological, geological or hydrological buffer functions to the undisturbed portions of the wetland.
(Ord. 10870 § 479, 1993).

SECTION 43. Ordinance 10870, Section 480, as amended, and K.C.C. 21A.24.330 are each hereby amended to read as follows: [SAO Section 113]

Wetlands(~~(-Permitted)~~) -- development standards and alterations. Alterations to wetlands and their buffers may be allowed (~~((pursuant to K.C.C. 21A.24.075 or))~~) in accordance with applicable permits or approvals and subject to mitigation requirements in this chapter, only as follows:

A. (~~((Alterations may be permitted if King County determines, based upon its review of special studies completed by qualified professionals, that:~~

~~—1. The wetland does not serve any of the valuable functions of wetlands identified in K.C.C. 21A.06.1415 including, but not limited to, biologic and hydrologic functions; or~~

~~—2. The proposed development will;~~

~~—a. protect, restore or enhance the wildlife habitat, natural drainage or other valuable functions of the wetland resulting in a net improvement to the functions of the wetland system;~~

~~—b. develop a plan for its design, implementation, maintenance and monitoring prepared by a civil engineer and a qualified biologist;~~

~~c. perform the restoration or enhancement under the direction of a qualified biologist;~~

and

~~—d. will otherwise be consistent with the purposes of this chapter.~~

B. ~~To establish the conditions in subsection A., detailed studies may be required as part of the special study on habitat value, hydrology, erosion and deposition and/or water quality. Such~~

~~detailed studies shall include specific recommendations for mitigation which may be required as a condition of any development proposal approval. The recommendations may include, but are not limited to, construction techniques or design, drainage or density specifications;~~

~~C. If a wetland is in a flood hazard area, the applicant shall notify affected communities and native tribes of proposed alterations prior to any alteration and submit evidence of such notification to the Federal Insurance Administration;))~~

For those portions of wetlands and wetland buffers located wholly or partially within an aquatic area, the aquatic area or wetland standards and requirements in this chapter that provide the most protection of the wetlands and wetland buffers shall apply unless specifically provided otherwise.

~~((D.))~~B. There shall be no introduction of any plant or wildlife ~~((which))~~ that is not indigenous to ~~((King County))~~ the Puget Sound lowland into any wetland or wetland buffer unless authorized by a state or federal permit or approval;

~~((E. Utilities))~~ C. Public and private utility corridors may be allowed in wetland buffers if:

1. ~~((King County))~~ The department determines that there is no practical alternative location ~~((is available))~~ with less adverse impact on the wetland or its buffer; ~~((and))~~

2. The utility corridor ~~((meets any additional requirements set forth in administrative rules including, but not limited to, requirements for installation, replacement of vegetation and maintenance;))~~ is not located in a wetland buffer where the wetland buffer or associated wetland is used as a salmonid spawning area or by species listed as endangered or threatened by the state or federal government or contains critical or actual habitat for those species or heron rookeries or raptor nesting trees;

3. The construction area and resulting utility corridor are the minimum widths practical;

2096 4. Except as provided in subsection F of this section, the utility corridor is located
2097 within the outer one-third of the wetland buffer or within a roadway, the improved area of an
2098 existing utility corridor or the improved area of an approved trail;

2099 5. The wetland and wetland buffer are protected during utility corridor construction and
2100 maintenance;

2101 6. Whenever possible the utility corridor is aligned to avoid cutting trees greater than
2102 twelve inches in diameter at breast height;

2103 7. Vegetation removal is limited to the minimum necessary to construct the corridor;

2104 8. Vegetation removal for the purpose of corridor maintenance is the minimum
2105 necessary to maintain the utility's function;

2106 9. To the maximum extent practical, any corridor access for maintenance is at specific
2107 points into the wetland buffer rather than by a parallel road;

2108 10. If the department determines that a parallel maintenance road is necessary, the
2109 following conditions shall be complied with:

2110 a. the width of the roadway shall be as small as possible and not greater than fifteen
2111 feet; and

2112 b. the location of the roadway shall be contiguous to the utility corridor on the side
2113 farthest from the wetland;

2114 ~~((F.))~~ 11. Additional requirements for ~~((S))~~ewer utility and public water distribution
2115 corridors ~~((may be allowed in wetland buffers only if))~~ are complied with, as follows:

2116 ~~((1. The applicant demonstrates that sewer lines are necessary for gravity flow;~~

2. ~~The corridor is not located in a wetland or buffer used by species listed as endangered or threatened by the state or federal government or containing critical or outstanding actual habitat for those species or heron rookeries or raptor nesting trees;~~

3. ~~The corridor alignment including, but not limited to, any allowed maintenance roads follows a path beyond a distance equal to seventy-five of the buffer width from the wetland edge;))~~

a. if the sewer utility or public water distribution corridor cannot be located in the outer one-third of the wetland buffer due to gravity flow requirements, it may be located in another part of the buffer with less adverse impact to the wetland; and

~~((4. Corridor construction and maintenance protects the wetland and buffer and is aligned to avoid cutting trees greater than twelve inches in diameter at breast height, when possible, and pesticides, herbicides and other hazardous substances are not used;~~

5.))b. an additional, contiguous and undisturbed wetland buffer, equal in width to that part of the proposed sewer utility or public water distribution corridor located in the original wetland buffer including any allowed maintenance roads, is provided to protect the wetland;

~~((6. The corridor is revegetated with appropriate vegetation native to King County at pre-construction densities or greater immediately upon completion of construction or as soon thereafter as possible, and the sewer utility ensures that such vegetation survives;~~

7. ~~Any additional corridor access for maintenance is provided, to the extent possible, at specific points rather than by a parallel road; and~~

8. ~~The width of any necessary parallel road providing access for maintenance is as small as possible, but not greater than fifteen feet, the road is maintained without the use of herbicides, pesticides or other hazardous substances and the location of the road is contiguous to the utility corridor on the side away from the wetland;))~~

2140 ~~((G.))~~D. Joint use of an approved sewer utility corridor by other utilities may be allowed.

2141 ~~((H. The following surface water management activities and facilities may be allowed in wetlands~~

2142 ~~or their buffers only as follows:~~

2143 ~~1. Surface))~~ E. Surface water conveyance or discharge ~~((to a wetland from a flow control~~

2144 ~~or water quality treatment facility, sediment pond or other surface water management activity or~~

2145 ~~facility may be allowed if the))~~ in the wetland buffer if the department finds that:

2146 1. The discharge does not:

2147 a. increase the rate of flow((;)) above the predevelopment rate;

2148 b. change the plant composition in a ((forested)) bog, fen or wetland with a forested

2149 wetland vegetation class; ((or))

2150 c. decrease the water quality of the wetland; and

2151 d. decrease the quality of salmonid spawning and rearing areas; and

2152 ~~2. ((A class 1, 2 or 3 wetland or buffer may be used for a regional retention/detention~~

2153 ~~facility if:~~

2154 ~~a. a public agency and utility exception is granted pursuant to K.C.C. 21A.24.070;~~

2155 ~~b. all requirements of the Surface Water Design Manual are met;~~

2156 ~~c. the use will not alter the rating or the factors used in rating the wetland;~~

2157 ~~d. the proposal is in compliance with the latest adopted findings of the Puget Sound~~

2158 ~~Wetlands Research Project; and~~

2159 ~~e. there are no significant adverse impacts to the wetland;~~

2160 ~~3. Isolated class 3 wetlands and buffers which are grazed wet meadows may be used as a~~

2161 ~~flow control facility if:~~

2162 a. ~~presettlement pond or water quality treatment is required prior to flow into the~~
 2163 ~~wetland, and~~

2164 b. ~~they are not part of, or immediately adjacent to, an LSRA, RSRA or a designated~~
 2165 ~~wildlife habitat corridor and all requirements of the Surface Water Design Manual are met; and~~

2166 4. ~~Use of a wetland buffer for a surface water management activity or facility, other than~~
 2167 ~~a flow control or water quality treatment facility, such as an energy dissipater and associated pipes,~~
 2168 ~~may be allowed only if the applicant demonstrates, to the satisfaction of King County, that:~~

2169 a. ~~no practicable alternative exists; and~~

2170 b. ~~the functions of the buffer or the wetland are not adversely affected))~~ Conveying the
 2171 surface water through the wetland buffer and discharging at the wetland edge has less adverse
 2172 impact upon the wetland or wetland buffer than if the surface water were discharged at the
 2173 buffer's edge and allowed to naturally drain through the buffer;

2174 ((F))F. Public and private trails ~~((may be allowed))~~ in wetland buffers ~~((only upon~~
 2175 ~~adoption of administrative rules consistent))~~ in compliance with the following requirements and
 2176 applicable administrative rules:

2177 1. The trail surface shall not be made of impervious materials, except that public multi((-
 2178))purpose trails such as the Burke-Gilman ((F))trail may be made of impervious materials if they
 2179 meet all other requirements including water quality standards set forth in K.C.C. chapter 9.12 and
 2180 related administrative rules, including the King County Surface Water Design Manual; and

2181 2. Buffers shall be expanded, where possible, equal to the width of the trail corridor
 2182 including disturbed areas;

2183 ((J))G. A dock, pier, moorage, float or launch facility ~~((may be allowed))~~ in a wetland,
 2184 wetland buffer or building setback area which occurs along a lake shoreline and is on or associated

2185 with a lot created prior to the adoption of this ordinance, subject to the provisions of K.C.C. Title
2186 25, if:

2187 1. The existing and zoned density ~~((around the wetland is))~~ of all properties abutting the
2188 entire lake shoreline averages three dwelling units per acre or more;

2189 2. At least seventy-five percent of the lots ~~((around the wetland have been built upon and~~
2190 ~~no))~~ abutting the shoreline or seventy-five percent of the lake frontage, whichever constitutes the
2191 most lake frontage, has been developed with dwelling units;

2192 3. ~~((s))~~ Significant ~~((buffer or wetland))~~ vegetation does not remain~~((s on these lots))~~ in the
2193 wetland or buffer that is located along the lake shoreline of the lot where the alteration is proposed,
2194 only if the loss of vegetation was not the result of any violation of law; and

2195 4. The wetland is not a salmonid spawning area;

2196 ~~((3. Open water is a significant component of the wetland;))~~

2197 ~~((K. Alterations to))~~ H. I~~((i))~~ isolated wetlands may be ~~((allowed only))~~ altered, as follows:

2198 1. ~~((On))~~ Subject to subsection 2 of this section, on sites ~~((of))~~ less than twenty acres ~~((in~~
2199 ~~size))~~, one isolated category IV wetland and its buffer may be filled or altered ~~((by relocating its~~
2200 ~~functions into a new wetland on the site pursuant to an approved mitigation plan; — 2. On))~~ and on
2201 sites twenty acres or greater ~~((in size))~~, up to three isolated category IV wetlands may be filled or
2202 altered ~~((by combining their functions into one or more replacement wetlands on the site pursuant~~
2203 ~~to an approved mitigation plan; and))~~ if:

2204 a. the wetland is not part of, or immediately adjacent to, a locally or regionally
2205 significant resource area designated in an adopted basin plan or a wildlife habitat corridor
2206 designated in the comprehensive plan; and

2207 b. the wetland is located within an area designated "rural" in the King County
2208 Comprehensive Plan and has a total size less than or equal to two thousand five hundred square
2209 feet, excluding its buffer; or

2210 c. the wetland is located within an area designated "urban" in the King County
2211 comprehensive plan and has a total size less than or equal to five-thousand square feet, excluding
2212 its buffer;

2213 2. Any isolated wetland in an area designated "rural" in the King County
2214 Comprehensive Plan that is one-thousand square feet or smaller may be filled or altered; and
2215 ~~((3. Whenever an isolated wetland is altered pursuant to this subsection, the replacement~~
2216 ~~wetland shall include enhancement for wildlife habitat;))~~

2217 3. If the alteration to any wetland under this subsection is a flow control facility, the
2218 water shall be pretreated to remove at least fifty percent of the total suspended solids;

2219 ~~((L.))~~ I. One additional agricultural building ((or associated residence may be allowed))
2220 within the wetland buffer ((on)) of a grazed wet meadow ((if all hydrologic storage is replaced on
2221 the site)) that has been grazed continuously since November 27, 1990 only if it is not possible to
2222 locate the building outside the buffer;

2223 ~~((M. Subject to a clearing and grading permit issued pursuant to K.C.C. chapter 16.82, the~~
2224 ~~cutting of up to one cord of firewood may be permitted in buffers of five acres or larger in any year~~
2225 ~~if the overall function of the buffer is not adversely affected. Removal of brush may also be~~
2226 ~~permitted for the purpose of enhancing tree growth if the area of removal is limited to the diameter~~
2227 ~~of the tree canopy at the time of planting; and))~~ J. The following vegetation removal activities:

2228 1. Where not exempt, the removal of noxious weeds from wetlands and their buffers;

2229 2. The removal of the following vegetation from wetlands and their buffers with hand
 2230 labor and light equipment:

2231 a. white water lily (*Nymphaea odorata*);

2232 b. Himalayan blackberry (*Rubus discolor*, *R. procerus*); and

2233 c. evergreen blackberry (*Rubus laciniatus*);

2234 d. other non-native, aggressive or invasive species specifically authorized by the
 2235 department;

2236 3. The removal of vegetation from wetland buffers, only as necessary, for surveying
 2237 purposes; and

2238 4. The removal of hazard trees from wetlands and their buffers, as determined by the
 2239 department;

2240 ~~((N-))~~K. Wetland and wetland buffer road and underground utility crossings ~~((may be~~
 2241 ~~allowed))~~ if:

2242 1. ~~((King County))~~ The department determines that there is no feasible alternative
 2243 ~~((access is practical))~~ location outside the wetland or wetland buffer with less adverse impact on
 2244 the wetland or wetland buffer;

2245 2. ~~((All crossings minimize impact to the wetland and provide mitigation for unavoidable~~
 2246 ~~impacts through restoration, enhancement or replacement of disturbed areas;~~

2247 ~~3. Crossings do))~~ The crossing does not change the overall wetland hydrology;

2248 ~~((4. Crossings do))~~ 3. The crossing does not diminish the flood storage capacity of the
 2249 wetland; ((and))

2250 ~~((5. All crossings are))~~ 4. The crossing is constructed during summer low water
 2251 periods((:));

2252 5. The crossing is located where it has the least adverse impact on the wetland and
2253 wetland buffer which generally will be the shortest distance across the wetland or wetland buffer;

2254 6. The crossing is not located over salmonid rearing or spawning habitat unless the
2255 department determines that there is no other possible crossing site;

2256 7. Vegetation removal is limited to the minimum necessary to construct the crossing;

2257 8. Vegetation removal for the purpose of the crossing's maintenance is the minimum
2258 necessary to maintain the utility's function;

2259 9. Additional requirements for underground utility crossings are complied with as
2260 follows:

2261 a. trench dams or other equivalent techniques approved by the department shall be
2262 placed along the utility corridor to avoid draining the wetland;

2263 b. the crossing is made in a manner which and located where it will not alter salmonid
2264 rearing habitat; and

2265 c. crossings shall also comply with all applicable requirements for utility corridors in
2266 subsection C of this section; and

2267 10. Crossings are minimized and serve multiple purposes and properties whenever
2268 possible;

2269 ~~((O. Reconstruction, remodeling, or replacement of existing structures.))~~ L.
2270 Reconstruction, remodeling(~~(;)~~) or replacement of an existing structure upon another portion of an
2271 existing impervious surface which was established pursuant to ~~((King County laws and regulations~~
2272 ~~may be allowed provided))~~ law if:

2273 1. ~~((If w))~~ Within the wetland buffer, the structure is located no closer to the wetland than
2274 the existing structure(~~(;)~~); and

2. The existing impervious surface within the buffer or wetland is not expanded as a result of the reconstruction, remodeling or replacement((-));

~~((P.))~~M. Wetland enhancement or restoration ~~((not associated with any other development proposal may be allowed))~~ that is not mitigation and that is not preempted from county regulation by RCW 75.20.350, if accomplished according to a plan for its design, implementation, maintenance and monitoring. The department may require that the plan be prepared by a civil engineer and a ~~((qualified biologist))~~ wetland scientist and carried out under the direction of a ~~((qualified biologist))~~ wetland scientist. Restoration or enhancement ~~((must result))~~ shall be approved only if it results in a net improvement to the functions of the wetland system((-)) and if it complies with wetland restoration standards in K.C.C. chapter 21A.-- [New Chapter: Mitigation and Monitoring]

N. Livestock manure storage facilities and associated nonpoint source pollution facilities in grazed wet meadows or their buffers if:

1. The facilities are designed to the standards of and approved in a conservation plan by King County Conservation District;

2. There is not practical alternative site outside the grazed wet meadow and its buffer; and

3. The facilities are located as close to the outside edge of the buffer as practical;

O. Exploratory drilling and testing, involving only necessary and limited clearing and grading, for the purpose of preparing critical area reports;

P. The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, if necessary, as approved by the department

Q. ~~((A minor wetland restoration project for fish habitat enhancement may be allowed if:~~

~~1. The restoration is sponsored by a public agency with a mandate to do such work;~~
~~2. The restoration is not associated with mitigation of a specific development proposal;~~
~~3. The restoration is limited to revegetation of wetlands and their buffers and other specific fish and wildlife habitat improvements that result in a net improvement to the functions of the wetland system;~~
~~4. The restoration only involves the use of hand labor and light equipment, or the use of helicopters and cranes which deliver supplies to the project site provided that they have no contact with sensitive areas or their buffers; and~~

~~5. The restoration is performed under the direction of a qualified biologist.))~~

Alterations to wetlands containing bogs or fens are limited to those permitted in subsections J, M and O of this section. (Ord. 13190 § 22, 1998: Ord. 11621 § 78, 1994: Ord. 11273 § 6, 1994: Ord. 10870 § 480, 1993).

SECTION 44. K.C.C. 21A.24.340 is hereby recodified into K.C.C. chapter 21A.-- [New Chapter: Mitigation and Monitoring, Section 11]

SECTION 45. K.C.C. 21A.24.345 is hereby recodified into K.C.C. chapter 21A.-- [New Chapter: Mitigation and Monitoring, Section 12]

SECTION 46. Ordinance 10870, Section 482, and K.C.C. 21A.24.350 are each hereby repealed. [SAO Section 116]

~~((Wetlands: Limited exemption. Isolated wetlands less than 1000 square feet may be exempted from the provisions of K.C.C. 21A.24.320 -- 21A.24.340 and may be altered by filling or dredging if King County determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved mitigation plan.)) (Ord. 10870 § 482, 1993).~~

NEW SECTION. SECTION 47. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

Aquatic areas -- water types. A. Aquatic areas are categorized or "typed" as follows:

1. Type S waters include all aquatic areas inventoried as "shorelines of the state" under King County's Shoreline Master Program, K.C.C. Title 25, in accordance with chapter 90.58 RCW, including segments of streams where the mean annual flow is more than twenty cubic feet per second, marine shorelines and lakes twenty acres in size or greater.

2. Type F waters include all segments of aquatic areas that are not type S waters and that contain fish or fish habitat including waters diverted for use by a federal, state or tribal fish hatcheries from the point of diversion for one-thousand-five-hundred feet or the entire tributary if the tributary is highly significant for protection of downstream water quality.

3. Type N waters include all segments of aquatic areas that are not type S or F waters and that are physically connected by an above-ground channel system, stream or wetland to type S or F waters.

4. Type O waters include all segments of aquatic areas that are not type S, F or N waters and that are not physically connected by an above-ground channel system, stream or wetland to type S, F or N waters.

B. For the purposes of the water types in subsection A of this section, an above-ground channel system shall be considered to be present if the one-hundred year floodplains of both the contributing and receiving waters are connected.

NEW SECTION. SECTION 48. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

Aquatic areas -- buffers and buffer width averaging.

A. The following minimum buffers shall be established from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified:

1. Within the Urban Growth Area:

- a. A type S and F water shall have a one-hundred-fifteen-foot buffer;
- b. A type S and F water identified as a special urban type S or F water in accordance with department water typing maps shall have a one-hundred-sixty-five-foot buffer;
- c. A type N water shall have a sixty-five-foot buffer; and
- d. A type O water shall have a twenty-five-foot buffer.

2. Outside the Urban Growth Area:

- a. A type S and F water shall have a one-hundred-sixty-five-foot buffer;
 - b. A type N water shall have a sixty-five-foot buffer; and
 - c. A type O water shall have a twenty-five-foot buffer.
3. Within the Bear Creek basin both inside and outside the Urban Growth Area:
- a. A type S and F water shall have a one-hundred-sixty-five-foot buffer;
 - b. A type N water shall have a sixty-five-foot buffer;
 - c. A type N water in a designated regionally significant resource areas shall have a one hundred-foot buffer; and
 - d. A type O water shall have a twenty-five-foot buffer.

4. If the aquatic area buffer includes a steep slope hazard area as defined in K.C.C.

21A.06.1230, the buffer shall be the greater of either the aquatic area buffer in subsection A.1 or 2 of this section or twenty-five feet beyond the top of the steep slope hazard area.

4. If a severe channel migration hazard area has been mapped by King County the buffer shall include the entire severe channel migration hazard area plus the appropriate aquatic area buffer

in subsection A.1, 2 or 3 of this section as measured from the edge of the severe channel migration hazard area.

B. Minimum buffer widths may be modified on a case-by-case basis by averaging buffer widths when an applicant demonstrates through a critical area report that:

1. The buffer width is not reduced to less than seventy-five percent of the standard width at any point;

2. Encroachment into the buffer does not occur waterward of the top of the associated steep slopes or into a channel migration zone;

3. Encroachment does not occur into the buffer of an associated wetland except as otherwise allowed;

4. The total area of the buffer after averaging is equivalent to the area of the buffer prior to averaging; and

5. The ecological structure and function of the buffer after averaging is equivalent to or greater than the area, structure and condition of vegetation, and wildlife habitat function prior to averaging.

C. Increased buffer widths may be required when necessary to protect aquatic areas. Provisions for additional buffer widths shall be contained in administrative rules adopted under this chapter and may include, but are not limited to, provisions pertaining to critical drainage areas, location of hazardous substances, critical fish and wildlife habitat, landslide or erosion hazard areas contiguous to wetlands, groundwater recharge and discharge and the location of trail or utility corridors.

SECTION 49. Ordinance 10870, Section 483, as amended and K.C.C. 21A.360 are each hereby amended to read as follows:

2390 ~~((Streams: D))~~ **Aquatic areas -- development standards.** ~~((A-d))~~ Development proposals
 2391 and alterations on a site containing ~~((a stream))~~ aquatic areas or aquatic area buffers shall
 2392 ~~((meet))~~ comply with all requirements in this chapter including but not limited to mitigation
 2393 standards and the following ~~((requirements))~~ standards:

2394 A. ~~((The following minimum buffers shall be established from the ordinary high water~~
 2395 ~~mark or from the top of the bank if the ordinary high water mark cannot be identified:~~

2396 ~~1. a class 1 stream shall have a 100-foot buffer;~~

2397 ~~2. a class 2 stream used by salmonids shall have a 100-foot buffer;~~

2398 ~~3. a class 2 stream shall have a 50-foot buffer;~~

2399 ~~4. a class 3 stream shall have a 25-foot buffer;~~

2400 ~~5. In the Bear Creek Basin, class 1 and 2 streams used by salmonids, shall have a 150-foot~~
 2401 ~~buffer;~~

2402 ~~6. In the Bear Creek Basin, a class 2 stream not used by salmonids, shall have a 100-foot~~
 2403 ~~buffer;~~

2404 ~~7. In the Bear Creek Basin, a class 3 stream shall have a 50-foot buffer except in~~
 2405 ~~designated regionally significant resource areas where a class 3 stream shall have a 100-foot~~
 2406 ~~buffer;~~

2407 ~~8. any stream restored, relocated, replaced or enhanced because of a stream alteration shall~~
 2408 ~~have the minimum buffer required for the stream class involved;~~

2409 ~~9. any stream with an ordinary high water mark within 25 feet of the toe of a slope 30% or~~
 2410 ~~steeper, but less than 40%, shall have:~~

~~a. the minimum buffer required for the stream class involved or a 25-foot buffer beyond the top of the slope, whichever is greater, if the horizontal length of the slope including small benches and terraces is within the buffer for that stream class; or~~

~~b. a 25-foot buffer beyond the minimum buffer required for the stream class involved if the horizontal length of the slope including small benches and terraces extends beyond the buffer for that stream class; and~~

~~10. any stream adjoined by a riparian wetland or other contiguous sensitive area shall have the buffer required for the stream class involved or the buffer which applies to the wetland or other sensitive area, whichever is greater;~~

~~B. Buffer width averaging may be allowed by King County if it will provide additional natural resource protection, as long as the total area contained in the buffer on the development proposal site does not decrease;~~

~~C. Increased buffer widths shall be required by King County when necessary to protect streams. Provisions for additional buffer widths shall be contained in administrative rules promulgated pursuant to this chapter including, but not limited to, critical drainage areas, location of hazardous substances, critical fish and wildlife habitat, landslide or erosion hazard areas contiguous to streams, groundwater recharge and discharge and the location of trail or utility corridors;~~

~~D. The use of hazardous substances, pesticides and fertilizers in the stream corridor and its buffer may be prohibited by King County; and~~

~~E. The livestock restrictions in K.C.C. 21A.24.320 shall also apply to class 1 and 2 streams and their buffers except that barrier fencing shall not be required in the floodplain of the Snoqualmie River.))~~

2434 There shall be a fifteen-foot building setback from the aquatic area buffer, from any significant
2435 trees or from wetland buffers located within the aquatic area buffer;

2436 B. Unless otherwise allowed in this title, impervious surfaces and effective impervious
2437 surfaces may not be created within aquatic area buffers;

2438 C. New clearing or grading within aquatic area buffers is not allowed unless otherwise
2439 allowed in this title and in compliance with the following:

2440 1. Any grading is only allowed from May 1 to October 1;

2441 2. The soil duff layer shall remain undisturbed to the maximum extent practicable.

2442 Where feasible and appropriate, any soil disturbed shall be redistributed to other areas of the
2443 project site; and

2444 3. The moisture-holding capacity of the topsoil layer shall be maintained by minimizing
2445 soil compacting or reestablishing natural soil structure and the capacity to infiltrate on all areas
2446 of the site that impervious surfaces do not cover.

2447 D. Unless otherwise allowed in this title, one hundred percent of the aquatic area buffer
2448 shall be set aside on each parcel in an undeveloped state to protect, to the maximum extent
2449 practicable, existing hydrologically mature vegetation or the potential for future reestablishment
2450 of hydrologically mature vegetation;

2451 E. Where feasible, vegetation outside the aquatic area buffer shall be spatially connected
2452 to the vegetation in the buffer to prevent creation of windthrow hazards in the buffer;

2453 F. Any new structures within an aquatic area buffer shall be sited to avoid the creation of
2454 future hazard trees and to minimize the impact on groundwater movement from the structure;

2455 G. To the maximum extent practicable, no portion of a hazard tree shall be removed
2456 from the aquatic area buffer. When hazard trees must be modified to reduce the hazard, the

2457 preferred treatment is topping. When topping will not eliminate the hazard, the tree should be
2458 pushed over toward the water body;

2459 H. Filling or modification of a wetland located wholly or partially in an aquatic area
2460 buffer is allowed only if it is conducted as part of an enhancement program permitted by the
2461 department; and

2462 I. The area within the dripline of a significant tree that extends beyond the aquatic area
2463 buffer shall be left undisturbed during construction. In the alternative, an aquatic area buffer
2464 equal to one foot for every inch of trunk diameter at breast height shall be provided. Temporary
2465 fencing shall be placed at the dripline before grading to protect the area during development.
2466 (Ord. 12015 § 4, 1995; Ord. 10870 § 483, 1993).

2467 NEW SECTION. SECTION 50. There is hereby added to K.C.C. chapter 21A.24 a new
2468 section to read as follows:

2469 **Aquatic areas: exemptions.** The following alterations to an aquatic area or aquatic area
2470 buffer are exempt from the provisions of K.C.C. chapter 21A.24:

2471 A. Interior building improvements;

2472 B. Exterior structure maintenance and replacement activities, including painting and
2473 roofing;

2474 C. Routine landscape maintenance of established, ornamental landscaping, such as lawn
2475 mowing, pruning and weeding. Native plants may be maintained if they are used as ornamentals
2476 in existing landscaped areas;

2477 D. Gardening for personal consumption within existing landscaped areas or other
2478 previously disturbed areas;

2479 E. Maintenance of the following existing facilities that does not expand the affected area
2480 and does not involve application of any hazardous substances, pesticides or fertilizers:

2481 1. Driveways and other gravel or paved surfaces other than roads, including the use of
2482 asphalt for re-paving and repairing potholes but not including the use of sealants or other liquid
2483 oily substances;

2484 2. Wells;

2485 3. Individual utility service connections; and

2486 4. Individual cemetery plots in established and approved cemeteries;

2487 F. Data collection and research if carried out by non-mechanical or hand-held
2488 equipment; survey monument placement; non-mechanical site exploration and gage installation
2489 if accomplished by hand-held equipment and performed in accordance with state-approved
2490 sampling protocols; or similar work associated with an Endangered Species Act Section 10
2491 incidental take permit or an Endangered Species Act Section 7 consultation. All spoils relating
2492 to such work shall be contained. Otherwise, no excavation, grading, fill or disturbance of native
2493 vegetated areas is allowed for work conducted in accordance with this subsection;

2494 G. Road maintenance activities in the public road right-of-way structure, including
2495 maintenance of related structures and stormwater facilities, conducted by or performed at the
2496 direction of a local government pursuant to the Regional Road Maintenance Guidelines. This
2497 does not include widening a road surface more than two feet;

2498 H. Maintenance, repair and replacement of existing utility line and facilities, or
2499 installation of new utility lines and facilities, if the work is:

2500 1. Conducted within an existing, maintained and improved road right-of-way or railroad
2501 prism; and

2. Conducted in conformance with the Regional Road Maintenance Guidelines's best management practices, including any future revisions to those best management practices;

I. Maintenance, repair and replacement of existing docks and piers, excluding submerged components, on waters with no anadromous fish habitat if:

1. There is no expansion of the width and length of existing docks and piers;

2. There is no use of hazardous substances or toxic materials; and

3. The work is conducted in compliance with any applicable state and county Shoreline Management Act requirements;

J. Maintenance and repair of existing septic systems in the aquatic area buffer as long as any associated clearing is limited to the maximum extent practicable and there is no use of any hazardous substances;

K. Harvesting of plants and plant materials, such as plugs, stakes, seeds or fruits, for restoration and enhancement projects in accordance with department guidelines;

L. Agriculture drainage ditches, in the agricultural production district or on land outside the agricultural production district that is zoned agriculture or in the farmland preservation program, that are used by salmonids may be maintained through use of best management practices developed in consultation with relevant county, state and federal agencies. These practices shall be adopted as administrative rules;

M. Planting of appropriate native vegetation in the aquatic area buffer if done according to accepted standards with the use of hand-tools or light equipment.

NEW SECTION. SECTION 51. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

Aquatic Areas -- short-form permit. The following alterations to an aquatic area or aquatic area buffer are required to obtain a short-form clearing and grading permit from the department, unless such alterations are authorized as part of another department permit or approval process, and comply with any applicable erosion-sedimentation control standards, best management practices, state and county Shoreline Management Act requirements and any other provisions specifically noted in subsections A through D of this section:

A. Removal of invasive or noxious vegetation and replacement with native vegetation if done according to accepted standards and with the use of hand-tools or light equipment;

B. Habitat restoration projects not associated with a development activity, such as an instream structure placed for express purpose of habitat restoration, rehabilitation, enhancement or creation and composed of natural materials in natural densities and configurations, with no anchoring, and of natural size and placement;

C. Maintenance and repair of existing instream structures not qualifying under subsection B of this section if there is no "in water" work which is done during dry time of year or the work is above the water line;

D. Maintenance, repair and replacement of up to fifty percent of the piles of existing docks and piers on waters with no anadromous fish habitat if:

1. There is no use of hazardous substances or toxic materials; and
2. The work is conducted in compliance with any applicable state and county Shoreline Management Act requirements.

SECTION 52. Ordinance 10870, Section 484, as amended and K.C.C. 21A.24.370 are each hereby amended to read as follows:

2546 ~~((Streams: Permitted))~~ **Aquatic areas -- allowed alterations.** Alterations to ~~((streams))~~
2547 ~~an aquatic area and aquatic area buffers may be allowed ((pursuant to K.C.C. 21A.24.075 or as~~
2548 ~~follows))~~ subject to any applicable permits or approvals only as follows:
2549 ~~((A. Alterations may only be permitted if based upon a special study;~~
2550 ~~B. The applicant shall notify affected communities and native tribes of proposed alterations~~
2551 ~~prior to any alteration if a stream is in a flood hazard area and shall submit evidence of such~~
2552 ~~notification to the Federal Insurance Administration;~~
2553 ~~C. There shall be no introduction of any plant or wildlife which is not indigenous to King~~
2554 ~~County into any stream or buffer unless authorized by a state or federal permit or approval;~~
2555 ~~D. Utilities may be allowed in stream buffers if:~~
2556 ~~1. no practical alternative location is available;~~
2557 ~~2. the utility corridor meets any additional requirements set forth in administrative rules~~
2558 ~~including, but not limited to, requirements for installation, replacement of vegetation and~~
2559 ~~maintenance;~~
2560 ~~3. the requirements for sewer utility corridors in K.C.C. 21A.24.330 shall also apply to~~
2561 ~~streams; and~~
2562 ~~4. joint use of an approved sewer utility corridor by other utilities may be allowed;~~
2563 ~~E. The following surface water management activities and facilitates may be allowed in~~
2564 ~~stream buffers as follows:~~
2565 ~~1. surface water discharge to a stream from a flow control or water quality treatment~~
2566 ~~facility, sediment pond or other surface water management activity or facility may be allowed if~~
2567 ~~the discharge is in compliance with the Surface Water Design Manual;~~

2568 ~~2. a class 2 stream or buffer may be used for a regional stormwater management facility~~

2569 ~~if:~~

2570 ~~a. a public agency and utility exception is granted pursuant to K.C.C. 21A.24.070;~~

2571 ~~b. all requirements of the Surface Water Design Manual are met;~~

2572 ~~c. the use will not alter the rating or the factors used in rating the stream;~~

2573 ~~d. there are no significant adverse impacts to the stream; and~~

2574 ~~3. a class 3 stream or buffer may be used as a regional stormwater management facility if~~

2575 ~~the alteration will have no lasting adverse impact on any stream and all requirements of the~~

2576 ~~Surface Water Design Manual are met;~~

2577 ~~F. Except as provided in subsection G, public and private trails may be allowed in stream~~

2578 ~~buffers only upon adoption of administrative rules consistent with the following:~~

2579 ~~1. the trail surface shall not be made of impervious materials, except that public multi-~~

2580 ~~purpose trails such as the Burke Gilman Trail may be made of impervious materials if they meet~~

2581 ~~all other requirements including water quality; and~~

2582 ~~2. buffers shall be expanded, where possible, equal to the width of the trail corridor~~

2583 ~~including disturbed areas;~~

2584 ~~G. Stream crossings may be allowed and may encroach on the otherwise required stream~~

2585 ~~buffer if:~~

2586 ~~1. all crossings use bridges or other construction techniques which do not disturb the~~

2587 ~~stream bed or bank, except that bottomless culverts or other appropriate methods demonstrated to~~

2588 ~~provide fisheries protection may be used for class 2 or 3 streams if the applicant demonstrates~~

2589 ~~that such methods and their implementation will pose no harm to the stream or inhibit migration~~

2590 ~~of fish;~~

2591 ~~2. all crossing are constructed during the summer low flow and are timed to avoid stream~~
2592 ~~disturbance during periods when use is critical to salmonids;~~

2593 ~~3. crossings do not occur over salmonid spawning areas unless King County determines~~
2594 ~~that no other possible crossing site exists;~~

2595 ~~4. bridge piers or abutments are not placed within the FEMA floodway or the ordinary~~
2596 ~~high water mark;~~

2597 ~~5. crossings do not diminish the flood carrying capacity of the stream;~~

2598 ~~6. underground utility crossings are laterally drilled and located at a depth of four feet~~
2599 ~~below the maximum depth of scour for the base flood predicted by a civil engineer licensed by~~
2600 ~~the state of Washington. Temporary bore pits to perform such crossings may be permitted within~~
2601 ~~the stream buffer established in K.C.C. 21A.24.360. Crossing of class 3 streams when dry may~~
2602 ~~be made with open cuts; and~~

2603 ~~7. crossings are minimized and serve multiple purposes and properties whenever possible;~~

2604 ~~H. Stream relocations may be allowed only for:~~

2605 ~~1. class 2 streams as part of a public road project for which a public agency and utility~~
2606 ~~exception is granted pursuant to K.C.C. 21A.24.050; and~~

2607 ~~2. class 3 streams for the purpose of enhancing resources in the stream if:~~

2608 ~~a. appropriate floodplain protection measures are used; and~~

2609 ~~b. the relocation occurs on the site, except that relocation off the site may be allowed if~~
2610 ~~the applicant demonstrates that any on-site relocation is impracticable, the applicant provides all~~
2611 ~~necessary easements and waivers from affected property owners and the off site location is in the~~
2612 ~~same drainage sub-basin as the original stream;~~

~~I. For any relocation allowed by this section, the applicant shall demonstrate, based on information provided by a civil engineer and a qualified biologist, that:~~

~~1. the equivalent base flood storage volume and function will be maintained;~~

~~2. there will be no adverse impact to local groundwater;~~

~~3. there will be no increase in velocity;~~

~~4. There will be no interbasin transfer of water;~~

~~5. There will be no increase in sediment load;~~

~~6. Requirements set out in the mitigation plan are met;~~

~~7. The relocation conforms to other applicable laws; and~~

~~8. All work will be carried out under the direct supervision of a qualified biologist;~~

~~J. A stream channel may be stabilized if:~~

~~1. Movement of the stream channel threatens existing residential or commercial structures, public facilities or improvements, unique natural resources or the only existing access to property; and~~

~~2. The stabilization is done in compliance with the requirements of K.C.C. 21A.24.230 through 21A.24.270 and administrative rules promulgated pursuant to this chapter;~~

~~K. Stream enhancement not associated with any other development proposal may be allowed if accomplished according to a plan for its design, implementation, maintenance and monitoring prepared by a civil engineer and a qualified biologist and carried out under the direction of a qualified biologist;~~

~~L. A minor stream restoration project for fish habitat enhancement may be allowed if:~~

~~1. The restoration is sponsored by a public agency with a mandate to do such work;~~

~~2. The restoration is unassociated with mitigation of a specific development proposal;~~

2636 3. ~~The restoration is limited to placement of rock wiers, log controls, spawning gravel and~~
2637 ~~other specific salmonid habitat improvements;~~

2638 4. ~~The restoration only involves the use of hand labor and light equipment; or the use of~~
2639 ~~helicopters and cranes which deliver supplies to the project site provided that they have no~~
2640 ~~contact with sensitive areas or their buffers; and~~

2641 5. ~~The restoration is performed under the direction of a qualified biologist;~~

2642 M. ~~Roadside and agricultural drainage ditches which carry streams with salmonids may be~~
2643 ~~maintained through the use of best management practices developed in consultation with relevant~~
2644 ~~county, state and federal agencies. These practices shall be adopted as administrative rules;~~

2645 N. ~~Subject to a clearing and grading permit issued pursuant to K.C.C. 16.82, the cutting of~~
2646 ~~up to one cord of firewood may be permitted in buffers of five acres or larger in any year if the~~
2647 ~~overall function of the buffer is not adversely affected. Removal of brush may also be permitted~~
2648 ~~for the purpose of enhancing tree growth if the area of removal is limited to the diameter of the~~
2649 ~~tree canopy at the time of planting.~~

2650 O. ~~Reconstruction, remodeling, or replacement of existing structures. Reconstruction,~~
2651 ~~remodeling, or replacement of an existing structure upon another portion of an existing~~
2652 ~~impervious surface which was established pursuant to King County laws and regulations may be~~
2653 ~~allowed provided:~~

2654 1. ~~if within the buffer, the structure is located no closer to the stream than the existing~~
2655 ~~structure;~~

2656 2. ~~the existing impervious surface within the buffer or stream is not expanded as a result~~
2657 ~~of the reconstruction or replacement.~~

2658 A. Alterations allowed within an aquatic area buffer that includes a severe channel
2659 migration hazard area under K.C.C 21A.-- [Section 34 of this ordinance]

2660 B. Emergency repairs;

2661 C. Maintenance or repair of existing instream structures requiring "in water" work if
2662 done in least impacting way and in conformance with applicable best management practices.
2663 This includes temporary alterations necessary to achieve repair and maintenance of existing
2664 instream structures;

2665 D. Installation of temporary instream structures if done in least impacting way at least
2666 impacting time of year, in conformance with applicable best management practices, and all
2667 affected instream and buffer features are restored;

2668 E. Installation of new or replacement of existing instream structures in type N and O
2669 waters that are not allowed under K.C.C. chapter 21A.—[Section 51 of this ordinance].

2670 F. Maintenance, repair or replacement of docks and piers, excluding submerged
2671 components on waters with anadromous fish habitat if there is not;

2672 1. An expansion of width and length of existing docks and piers;

2673 2. Any use of hazardous substances or toxic materials; and

2674 3. An increase in the use of materials that would create shade for predator species or
2675 eelgrass;

2676 G. Maintenance of private roads conducted in conformance with the Regional Road
2677 Maintenance Guidelines' best management practices, including any future revisions to those best
2678 management practices;

2679 H. Maintenance or repair of non-county maintained bridges when conducted in
2680 conformance with the Regional Road Maintenance Guidelines' best management practices,

2681 including any future revisions to those best management practices, and other requirements
2682 pertaining to the education and training of individuals conducting the work as determined
2683 necessary by the department; and

2684 I. Maintenance and repair of stormwater management if conducted in conformance with
2685 the Regional Road Maintenance Guidelines' best management practices, including any future
2686 revisions to those best management practices.

2687 J. Flood protection facilities if:

2688 1. Maintained by a public agency;

2689 2. There is no linear extension of the facility from the existing conditions;

2690 3. There is no waterward expansion of the facility from the existing conditions;

2691 4. The maintenance and repair are done in accordance with the Regional Road

2692 Maintenance Guidelines;

2693 5. The maintenance and repair are done in accordance with the adopted King County

2694 Flood Hazard Reduction Plan and the King County Guidelines for Bank Stabilization Projects;

2695 and;

2696 6. Monitoring is conducted for three years following maintenance and repair and an

2697 annual report is submitted to the department.

2698 K. A critical area report including a minor habitat evaluation under K.C.C. 21A.24.120

2699 and mitigation of the adverse effects of the alteration in accordance with K.C.C. chapter 21A.--

2700 [New Chapter: Mitigation and Monitoring] are required for the following alterations to an aquatic

2701 area or aquatic area buffer:

2702 1. Alterations allowed within an aquatic area buffer that includes a severe channel

2703 migration hazard area under K.C.C. 21A.24.xxx [Section 37 of this ordinance];

2704 2. Installation of new, or replacement of an existing, instream structure in a type S or
2705 type F water when such work is included as part of an Endangered Species Act driven project to
2706 evaluate, restore or improve habitat;

2707 3. Maintenance, repair and replacement of existing piles for docks and piers on waters
2708 with anadromous fish habitat if there is not:

2709 a. Any use of hazardous substances or toxic materials;

2710 b. An increase in the use of materials creating shade for predator species or eelgrass;
2711 and

2712 c. A maximization of the distance between piles which is reducing the number of
2713 piles, for any maintenance, repair and replacement work proposed for piles in waters between
2714 three feet and thirteen feet deep. There shall not be an increase in the overall dimensions but
2715 applicants shall strive to narrow the surface area of docks and piers as much as possible in waters
2716 between three feet and thirteen feet deep. The work shall be conducted in compliance with any
2717 applicable state and county Shoreline Management Act requirements;

2718 4. Maintenance of private roads not conducted consistent with the Regional Road
2719 Maintenance Guidelines' best management practices, including any future revisions to those best
2720 management practices;

2721 5. Maintenance, repair or replacement of existing utility lines and facilities, or
2722 installation of new utility lines and facilities, within an existing, maintained, improved road
2723 right-of-way or railroad prism that is not conducted in accordance with the Regional Road
2724 Maintenance Guidelines' best management practices, including any future revisions to those best
2725 management practices. If work conducted under this subsection involves an installation that will

2726 cross an aquatic area, the work must also be conducted in accordance with subsection H of this
2727 section;

2728 6. Maintenance, repair or replacement of existing utility lines and facilities, or
2729 installation of new utility lines and facilities, in lawfully established and permitted utility
2730 corridors or right-of-ways. If work conducted under this subsection involves an installation that
2731 will cross an aquatic area, the work must also be conducted in accordance with subsection H of
2732 this section;

2733 7. Installation of new utility lines and facilities outside of an existing, maintained,
2734 improved road right-of-way or railroad prism and not within an existing utility corridor is
2735 allowed if installation involves crossing an aquatic area and if:

2736 a. The mean annual flow rate is equal to or greater than twenty cubic feet per second
2737 and the new utilities are bored under both the channel and its buffer; or

2738 b. The mean annual flow rate is less than twenty cubic feet per second and all of the
2739 following standards are met:

2740 (1.) Critical areas are avoided to the maximum extent practicable;

2741 (2.) Boring is conducted beneath the channel. Crossings are laterally drilled and
2742 located at a depth of four feet below the maximum depth of scour for the base flood predicted by
2743 a civil engineer;

2744 (3.) When boring is not feasible, the channel is crossed as close to perpendicular as
2745 possible and never to exceed plus or minus thirty degrees from perpendicular;

2746 (4.) Paralleling the channel or following a down-valley route near the channel is
2747 avoided to the maximum extent practicable; and

2748 (5.) The natural rate of shore migration or channel migration is not increased or
2749 decreased; and

2750 c. All crossings use bridges or other construction techniques that do not disturb the
2751 bed or bank, except that bottomless culverts or other appropriate methods demonstrated to
2752 provide fisheries protection may be used for type N and O waters if the applicant demonstrates
2753 that the methods and their implementation will not pose harm to the aquatic area or inhibit
2754 migration of fish;

2755 d. All crossings are constructed during the summer low flow and are timed to avoid
2756 disturbance when use is critical to salmonids;

2757 e. Crossings do not occur over salmonid spawning areas unless King County
2758 determines that another possible crossing site does not exists;

2759 f. Bridge piers or abutments are not placed within the FEMA floodway or the ordinary
2760 high water mark;

2761 g. Crossings do not diminish the flood-carrying capacity;

2762 h. Underground utility crossings are laterally drilled and located at a depth of four feet
2763 below the maximum depth of scour for the base flood predicted by a civil engineer. Temporary
2764 bore pits to perform the crossings may be permitted. Crossing of type N and O waters when dry
2765 may be made with open cuts; and

2766 i. Crossings are minimized and serve multiple purposes and properties whenever
2767 possible;

2768 8. Installation of new utility lines and facilities outside of an existing, maintained,
2769 improved road right-of-way or railroad prism, outside an existing utility corridor and not
2770 crossing an aquatic area is allowed if the minor habitat assessment includes an assessment of

2771 alternative locations and the department determines there is no practical alternative to the
2772 proposed location or it is the least-impacting alternative;

2773 9. Installation of a new road bridge or culvert or the expansion of an existing road
2774 bridge or culvert necessary to bring it up to current King County Roads Standards is allowed if:

2775 a. There is not another practical access route available;

2776 b. The bridge or culvert is over a channel with a mean annual flow of less than twenty
2777 cubic feet per second;

2778 c. The bridge roadway width or culvert width does not exceed forty feet;

2779 d. The bridge or culvert is designed according to the:

2780 (1.) Washington state Department of Fish and Wildlife "Habitat and Lands
2781 Environmental Engineering Division's Fish Passage Design Manual";

2782 (2.) National Marine and Fisheries Services "Guidelines for Salmonid Passage at
2783 Stream Crossings";

2784 (3.) King County Roads Standards; and

2785 (4.) King County Surface Water Design Manual;

2786 e. To the maximum extent practical, the bridge or culvert is located to minimize
2787 impacts to aquatic areas and aquatic area buffers; and

2788 f. New bridge or culvert installation or bridge or culvert expansion does not go over
2789 salmonid spawning areas;

2790 10. Installation or replacement of an open, vegetated stormwater management
2791 conveyance system and outfall structure that simulate natural conditions. Where appropriate
2792 such systems shall incorporate fish habitat features necessary for feeding, cover and
2793 reproduction. Vegetation shall be maintained and added, if necessary, adjacent to all open

2794 channels and ponds in order to prevent erosion, filter out sediments and shade the water.

2795 Bioengineering techniques should be used to the maximum extent practicable.

2796 11. Installation or replacement of a closed, tightlined stormwater management

2797 conveyance system and outfall structure if a closed tightlined conveyance system and outfall

2798 structure are necessary to avoid erosion of slopes. Bioengineering techniques should be used to

2799 the maximum extent practicable.

2800 12. Clearing and grading on lots encumbered with an aquatic area or aquatic area

2801 buffer.

2802 13. Clearing and grading is allowed on an existing legal lot that is encumbered by an

2803 aquatic area or aquatic area buffer when all of the following conditions are applicable:

2804 a. There is no practical alternative to allow development completely outside the

2805 aquatic area or aquatic area buffer and the proposed clearing and grading is either:

2806 (1) within the urban growth area;

2807 (2) related to the expansion, replacement or redevelopment of an existing legal

2808 structure but not including the conversion of lots from single family to multi-family use. If the

2809 proposed clearing and grading is related to the expansion, replacement or redevelopment of an

2810 existing legal structure, additional space should be added within the existing building footprint

2811 where practicable; or

2812 (3) landward of an existing:

2813 (a) road, driveway or developed railroad right-of-way;

2814 (b) legal buildable lot; or

2815 (c) flood and bank stabilization structures built and designed to prevent channel

2816 migration; and the proposed clearing and grading is not located in a severe channel migration

2817 hazard area or on a transitory feature such as a sandbar, spit or sand point on a marine shoreline
2818 or on or within twenty-five feet of the top of a steep slope or within a landslide hazard area;

2819 b. If disturbance within the buffer is unavoidable, the disturbance is as close to the
2820 landward edge of the buffer as possible;

2821 c. No clearing or grading is allowed within fifty feet of the ordinary high water mark
2822 on type S, F or N waters, including any side channel, oxbow, spring or other type of off-channel
2823 habitat;

2824 d. The buffer that is not disturbed by the proposed clearing and grading is managed for
2825 retention and growth of native vegetation and planted with native vegetation in accordance with
2826 department guidelines to re-establish natural forested conditions;

2827 e. There is not filling or modification in the wetlands or the buffer of wetlands located
2828 within aquatic area buffers or lands behind dikes with tidally influenced waters;

2829 f. There is not construction in or filling of a connectable relic channel;

2830 g. Additional effective impervious surface within the buffer shall be limited to the
2831 maximum extent practicable; and

2832 h. The amount of clearing and grading allowed is no more than three-thousand square feet for
2833 lots less than thirty-thousand gross square feet; and no more than ten percent of the site for lots
2834 of thirty-thousand square feet or greater but never to exceed five-thousand square feet. In
2835 addition to these clearing and grading limits, where an on-site sewage disposal system is required
2836 the minimum clearing and grading necessary to install and maintain the sewage disposal system
2837 is allowed. (Ord. 13190 § 24, 1998: Ord. 11621 § 80, 1994: Ord. 11273 § 7, 1994: Ord. 10870
2838 § 484, 1993).

2839 SECTION 53. K.C.C. 21A.24.380 is hereby recodified into K.C.C. chapter 21A.-- [New
2840 Chapter: Mitigation and Monitoring, Section 13]

2841 SECTION 54. K.C.C. 21A.24.390 is hereby recodified into K.C.C. chapter 21A.-- [New
2842 Chapter: Mitigation and Monitoring, Section 16]

2843 SECTION 55. K.C.C. 21A.24.400 is hereby recodified into K.C.C. chapter 21A.-- [New
2844 Chapter: Mitigation and Monitoring, Section 17]

2845 SECTION 56. K.C.C. 21A.24.410 is hereby recodified into K.C.C. chapter 21A.-- [New
2846 Chapter: Mitigation and Monitoring, Section 18]

2847 SECTION 57. K.C.C. 21A.24.420 is hereby recodified into K.C.C. chapter 21A.-- [New
2848 Chapter: Mitigation and Monitoring, Section 19]

2849 NEW SECTION. SECTION 58. There is hereby added to K.C.C. chapter 21A.24 a new
2850 section to read as follows:

2851 **Fish and wildlife habitat conservation areas -- development standards. A. A**
2852 development proposal or alteration on a site containing habitat for the species listed below shall
2853 include a critical areas report when the following conditions are present on the development site
2854 or on property within one-hundred feet of the development site:

- 2855 1. Bald eagle:
- 2856 a. Contains a bald eagle nesting site, nesting site buffer or habitat of primary
2857 association, as mapped by the Washington state Department of Fish and Wildlife;
- 2858 b. Bald eagles have been observed; or
- 2859 c. Bald eagle habitat of primary association is present or documented;
- 2860 2. Common loon: contains large lakes with little or no shoreline development;
- 2861 3. Great blue heron:

- 2862 a. contains mapped great blue heron colonies; or
- 2863 b. contains mature deciduous trees with three hundred-feet of a category I wetland or
- 2864 aquatic area;
- 2865 4. Marbled murrelet: contains large tracts of old-growth forest;
- 2866 5. Osprey: contains snags or broken top trees greater than twenty inches in diameter at
- 2867 breast height within two-hundred-fifty feet of a shoreline;
- 2868 6. Peregrine falcon: contains cliffs;
- 2869 7. Red-tailed hawk: contains mature forest or old-growth forest adjacent to open
- 2870 habitat;
- 2871 8. Spotted owl:
- 2872 a. contains habitat mapped by the Washington state Department of Fish and Wildlife
- 2873 or the United States Forest Service; or
- 2874 b. there are forested habitats within one hundred feet of the mapped locations.
- 2875 B. A development proposal or alteration on a site outside the area designated urban in
- 2876 the King County Comprehensive Plan containing habitat for the species listed below shall
- 2877 include a critical areas report when the following conditions are present on the development site
- 2878 or on property within one-hundred feet of the development site:
- 2879 1. Northern goshawk: contains large tracts of nature forest or old-growth forest;
- 2880 2. Pileated woodpecker: contains a snag-rich area associated with an old-growth forest;
- 2881 3. Purple martin: contains, snags, pilings, or other potential nesting sites near lakes or
- 2882 marine shorelines;
- 2883 4. Townsend's big eared bat: contains caves, open mine shafts or large wooden
- 2884 structures;

5. Vaux's swift: contains a snag-rich area associated with old-growth forest;

C. For a subdivision or a short subdivision, the areas that are required to be protected as a fish and wildlife habitat conservation area shall be retained in native vegetation and placed in one or more recorded critical areas tracts under K.C.C. 21A.24.180;

D. For individual lots, the protection of fish and wildlife habitat conservation areas shall be applied at the time of building permit application unless those conditions have already been met during the subdivision or short subdivision process. The portion of the lot that is required to be retained as a fish and wildlife habitat conservation area shall be retained in native vegetation and placed in a conservation easement to ensure long-term protection of the critical area. The uses and restrictions on the portion of individual lots in the fish and wildlife habitat conservation area shall be in accordance with K.C.C. 16.82.150.D as recodified. The notice on title required under K. C. C. 21A.24.170 shall be filed for the area on the property identified as a fish and wildlife habitat conservation indicating that limitations on actions in and affecting this area exist.

NEW SECTION. SECTION 59. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

Fish and wildlife habitat conservation areas – state Environmental Policy Act. A. If a development proposal on a site outside of the area designated Urban in the King County Comprehensive Plan is subject to review under the state Environmental Policy Act, the review shall include an analysis of the impact of the project on those species and habitats that King County Comprehensive Plan policies direct should be protected in the rural area. At a minimum, the review shall evaluate the following species when the following conditions are present on the development site or on property within one-hundred feet of the development site:

- 2908 1. Band-tailed pigeon: contains mature forest or old-growth forest, especially those
2909 associated with mineral springs;
- 2910 2. Blue grouse; contains open coniferous forested habitats in the foothills that are
2911 associated with springs, aquatic areas, and meadows;
- 2912 3. Columbia black-tailed deer: contains populations mapped by the Washington state
2913 Department of Fish and Wildlife or other high concentration areas otherwise observed or
2914 documented;
- 2915 4. Elk: contains calving areas and critical winter range as mapped by Washington state
2916 Department of Fish and Wildlife or other high concentration areas otherwise observed or
2917 documented;
- 2918 5. Harlequin duck: contains fast flowing , forested mountain aquatic areas;
- 2919 6. Mink: contains riparian and wetland habitats;
- 2920 7. Western bluebird: contains clearings, fields and pastures with scattered trees and
2921 snags; and
- 2922 8. Western toad: contains wetlands and small ponds or lakes;
- 2923 B. If the threshold determination is that the development proposal or alteration will have
2924 a significant adverse environmental impact on habitat for the species in subsection A.1 through
2925 A.8, the habitat shall be protected as required in subsections C and D of this section.
- 2926 C. For a subdivision or a short subdivision, the areas that are required to be protected as
2927 a fish and wildlife habitat conservation area shall be retained in native vegetation and placed in
2928 one or more recorded critical areas tracts under K.C.C. 21A.24.180;
- 2929 D. For individual lots, the protection of fish and wildlife habitat conservation areas shall
2930 be applied at the time of building permit application unless those conditions have already been

met during the subdivision or short subdivision process. The portion of the lot that is required to be retained as a fish and wildlife habitat conservation area shall be retained in native vegetation and placed in a conservation easement to ensure long-term protection of the critical area. The uses and restrictions on the portion of individual lots in the fish and wildlife habitat conservation area shall be in accordance with K.C.C. 16.82.150.D as recodified. The notice on title required under K. C. C. 21A.24.170 shall be filed for the area on the property identified as a fish and wildlife habitat conservation indicating that limitations on actions in and affecting this area exist.

NEW SECTION. SECTION 60. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows

Fish and wildlife habitat conservation areas -- alterations.

A. If the fish and wildlife habitat conservation area includes more than one critical area or critical area buffer, the most restrictive regulations shall apply.

B. Except as otherwise provided for wildlife habitat networks under K.C.C. 21A.24.260 and 21A.24.270, a proposed alteration to a fish and wildlife habitat conservation area that does not include another critical area or critical area buffer shall comply with the following requirements:

1. The alteration may only be allowed if it is based upon a critical areas report and mitigation plan that includes a mitigation plan to protect the functions and values of the fish and wildlife habitat conservation area;

2. There shall be not be an introduction of any plant or wildlife that is not indigenous to King County unless authorized by a state of federal permit or approval;

3. Utilities if:

- 2954 a. A practical alternative location is not available;
- 2955 b. The utility corridor meets any additional requirements in administrative rules
- 2956 including, but not limited to, requirements for installation, replacement of vegetation and
- 2957 maintenance;
- 2958 c. A sewer utility corridor is in compliance with K.C.C. 21A.24.330; and
- 2959 d. Joint use of an approved sewer utility corridor by other utilities;
- 2960 4. Surface water discharge from a flow control or water quality treatment facility,
- 2961 sediment pond or other surface water management activity or facility if in compliance with the
- 2962 Surface Water Design Manual;
- 2963 5. Except as provided in subsection B.6 of this section, a public and private trail only
- 2964 upon adoption of administrative rules consistent with the following:
- 2965 a. The trail surface shall not be made of impervious materials, except that a public
- 2966 multi-purpose trail such as the Burke-Gilman trail may be made of impervious materials if it
- 2967 meets all other requirements including water quality; and
- 2968 b. The protected area shall be expanded, where possible, equal to the width of the trail
- 2969 corridor including disturbed areas;
- 2970 6. A crossings may be allowed and may encroach on the otherwise protected area if the
- 2971 crossing:
- 2972 a. uses a bridge or other construction technique that does not disturb a priority habitat
- 2973 or priority area;
- 2974 b. is constructed during the time of year when least likely to adversely impact the
- 2975 priority habitat or priority area;

- 2976 c. does not occur over, under or through a breeding, nesting, or spawning area, unless
2977 King County determines that another possible crossing site does not exist;
- 2978 d. is minimized and serves multiple purposes and properties whenever possible;
- 2979 e. work is carried out under the direct supervision of a qualified biologist;
- 2980 7. Fish and wildlife habitat conservation area enhancement not associated with any
2981 other development proposal if accomplished according to a plan for its design, implementation,
2982 maintenance and monitoring prepared by a civil engineer and a qualified biologist;
- 2983 8. A minor fish and wildlife habitat conservation area restoration project for fish and
2984 wildlife habitat enhancement if:
- 2985 a. The restoration is sponsored by a public agency with a mandate to do the work;
- 2986 b. The restoration is not associated with mitigation of a specific development
2987 proposal;
- 2988 c. The restoration is limited to habitat improvements specifically authorized by King
2989 County;
- 2990 d. The restoration is limited to the time, year or season least likely to adversely impact
2991 a critical species;
- 2992 e. The restoration only involves the use of hand labor and light equipment; or the use
2993 of helicopters and cranes which deliver supplies to the project site provided that they have no
2994 contact with critical area or its buffer; and
- 2995 f. The restoration is performed under the direction of a qualified biologist;
- 2996 8. Subject to a clearing and grading permit in accordance with K.C.C. chapter 16.82,
2997 cutting of up to one cord of firewood in any year in fish and wildlife habitat conservation areas
2998 of five acres or larger if the overall function of the area is not adversely affected and the activity

2999 is specifically authorized in an approved habitat management plan. Removal of brush may also
3000 be permitted for the purpose of enhancing tree growth if the area of removal is limited to the
3001 diameter of the tree canopy at the time of planting and such activity is specifically authorized in
3002 an approved habitat management plan; and

3003 9. Reconstruction, remodeling, or replacement of an existing structure upon another
3004 portion of an existing impervious surface that was legally established only if:

3005 a. any expansion of the structure is located no closer to priority habitat than the
3006 existing structure; and

3007 b. The existing impervious surface is not expanded as a result of the reconstruction or
3008 replacement.

3009 NEW SECTION. SECTION 61. There is hereby added to K.C.C. chapter 21A.24 a new
3010 section to read as follows:

3011 **Fish and wildlife habitat conservation areas -- review of proposed development or**
3012 **alteration.**

3013 A. The department shall review the development proposal or alteration for compliance
3014 with the provisions of K.C.C. chapter 21A.-- [Section 60 ??]

3015 B. The department shall evaluate the development proposal or alteration against the
3016 following:

3017 1. To the maximum extent practicable, similar land uses should be aggregated in order
3018 to minimize fragmentation of native vegetation, especially fragmentation of existing forest cover;

3019 2. To the maximum extent practicable, development should be located in order to avoid
3020 areas that are or could be connections between patches;

3. If a development proposal chooses or must be located in a manner that does not minimize fragmentation, the amount of allowable disturbed area shall be reduced in proportion to the distance from surrounding development;

4. If aggregating land uses creates a conflict with the protection of a priority area, the following vegetative cover types shall be given the following priority, taking into account the size and connectivity of the patch; old or mature forest; conifer forest; mixed forest; deciduous forest; scrub/shrub and meadows; grasslands; and cleared areas.

C. The department shall require any area on the site on which development is not allowed under K.C.C. chapter 21A.—[Section 60.D.1 ??] and that is not designated as a critical area under another provision of this chapter to be protected by a fish and wildlife habitat protection easement. The easement shall be shown on all site plans and property maps and shall be included in the notice on title required by K.C.C. 21A.24.170. The following minimum standards apply to the management of the fish and wildlife habitat easement:

1. All trees within the area shall be retained, aside from approved timber harvest activities and the removal of dangerous and diseased trees;

2. The area may be used for passive recreation, such as unpaved trails or nature viewing areas, that does not involve the creation of any additional cleared areas; and

3. The area shall be clearly marked during construction.

SECTION 62. K.C.C. 21A.14.260, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.24.

SECTION 63. Ordinance 11621, Section 52, as amended, and K.C.C. 21A.14.260, are each hereby amended to read as follows:

Wildlife habitat ((corridors)) networks - applicability. Habitat ((corridors)) networks

shall be set aside and protected along the designated wildlife habitat network adopted by the King County Comprehensive Plan as follows:

A. ~~((Wildlife habitat corridors shall))~~ This section applies to the following development ~~((activities))~~ proposals on parcels ~~((which))~~ that include a portion of a designated wildlife habitat ~~((corridor))~~ network:

1. All fully contained communities, urban planned developments, subdivisions, short subdivisions and binding site plans;; and

2. All ~~((building permits))~~ development proposals on individual lots ~~((created prior to January 1, 1995))~~ unless a habitat network in full compliance with K.C.C. 21A.14.270 already exists in a tract or easement or setback area, or there has been recorded a notice on title of the existence of the network.

B. The wildlife ~~((H))~~habitat ~~((corridors))~~ network shall be identified and protected in one of the following ways:

1. In ~~((U))~~urban planned developments, fully contained communities, binding site plans, subdivisions and short subdivisions ~~((shall either place the corridor))~~, the network shall retain the native vegetation and be placed in a contiguous permanent open-space tract with all developable lots sited on the remaining portion of the project site, or ~~((shall design))~~ the lots shall be designed so that ~~((conservation easements))~~ county-approved setback areas on individual lots can form a contiguous ~~((easement))~~ setback area covering the ~~((corridor))~~ network; or

2. ~~((F))~~For individual lots ~~((shall place the corridor))~~, the network shall retain the native vegetation and be placed in a ~~((conservation easement))~~ county-approved setback area. A notice approved by the department shall be placed on the title of the lot and shall be filed with the records and elections division. The notice shall inform the public of the presence of a wildlife

3067 habitat network on the property and that there are limitations on actions in or affecting the
3068 network.

3069 C. All tracts or ~~((conservation easements))~~ setback areas shall be configured to meet the
3070 design standards in K.C.C. 21A.14.270. (Ord. 13694 § 90, 1999: Ord. 11621 § 52, 1994).

3071 SECTION 64. K.C.C. 21A.14.270, as amended by this ordinance, is hereby recodified as a
3072 new section in K.C.C. chapter 21A.24.

3073 SECTION 65. Ordinance 11621, Section 53, and K.C.C. 21A.14.270, are each hereby
3074 amended to read as follows:

3075 **Wildlife habitat ~~((corridor))~~ networks – ~~((D))~~ design standards. ~~((Corridor))~~ Wildlife**
3076 habitat network design shall be reviewed by the department for consistency with the following
3077 standards:

3078 A. The wildlife habitat ~~((corridor))~~ network shall be sited on the property in order to
3079 meet the following conditions:

3080 1. ~~((F))~~ The network shall form~~((s))~~ one contiguous tract that enters and exits the
3081 property at the points the ~~((designated wildlife habitat))~~ network crosses the property boundary;

3082 2. ~~((M))~~ The network shall maintain~~((s))~~ a width, wherever possible, of ~~((300))~~ three-
3083 hundred feet. The network width shall not be less than ~~((150))~~ one-hundred-fifty feet ~~((wide))~~ at
3084 any point; and

3085 3. ~~((B))~~ The network shall be contiguous with and ~~((may))~~ include ~~((sensitive))~~ critical
3086 area tracts and their buffers; ~~((and))~~

3087 B. When feasible, the wildlife habitat ~~((corridor))~~ network shall be sited on the property
3088 in order to meet the following conditions:

3089 1. Connect isolated ~~((sensitive))~~ critical areas or habitat; and

2. Connect with wildlife habitat ~~((corridors))~~ networks, open space tracts or wooded areas on adjacent properties, if present~~((:))~~;

C. The wildlife ~~((corridor))~~ habitat network tract shall be permanently marked consistent with the methods contained in K.C.C. chapter 21A.24. ~~((€))~~Network segments noticed on title or placed in conservation easements are exempt from the permanent ~~((p))~~marking requirement~~((:))~~;

D. A management plan for the wildlife ~~((corridor))~~ habitat network contained within a tract or tracts shall be prepared ~~((which specifies the permissible))~~ when proposing some extent of recreation, forestry or other uses compatible with preserving and enhancing the wildlife habitat value of the tract or tracts. The management plan shall be reviewed and approved by the department. The approved management plan for a~~((n urban planned development))~~ binding site plan or subdivision shall be contained within and recorded with the covenants, conditions and restrictions (CCRs), if any. If the wildlife ~~((corridor))~~ habitat network is contained in a conservation easement or a notice on title, a management plan is not required, but may be submitted to the department for review and approval, and recorded with the conservation easement~~((:))~~ or notice on title;

E. Clearing within the wildlife ~~((corridors contained))~~ habitat network in a tract or tracts shall be limited to that allowed by ~~((the))~~ an approved management plan. No clearing shall be allowed within a wildlife ~~((corridor contained))~~ habitat network within a conservation easement or noticed on title on individual lots, unless the property owner has an approved management plan~~((:))~~;

F. A homeowners association or other entity capable of long-term maintenance and operation shall be established to monitor and assure compliance with ~~((the))~~ any approved

3113 management plan((-));

3114 G. Wildlife ((~~corridors~~)) habitat networks set aside in tracts ((~~or~~)), conservation

3115 easements or noticed on title shall ((~~meet the provisions in~~)) comply with K.C.C. 16.82.150 as

3116 recodified((-));

3117 H. The permanent open space tract containing the wildlife ((~~corridor~~)) habitat network

3118 may be credited toward the other applicable requirements such as surface water management and

3119 the recreation space requirement of K.C.C. 21A.14.180, ((~~provided~~)) if the proposed uses within

3120 the tract are compatible with preserving and enhancing the wildlife habitat value. Restrictions on

3121 other uses within the wildlife ((~~corridor~~)) habitat network tract shall be clearly identified in the

3122 management plan((-));

3123 I. At the discretion of the director, these standards may be waived or reduced for public

3124 facilities such as schools, fire stations, parks((-)) and public road projects. (Ord. 11621 § 53,

3125 1994).

3126 SECTION 66. Ordinance 14187, Section 1, and K.C.C. 21A.24.500 are each hereby

3127 amended to read as follows:

3128 ((~~Sensitive~~)) **Critical area designation.**

3129 A.1. A property owner or the property owner's agent may request a ((~~sensitive~~)) critical

3130 area designation for part or all of a site, without seeking a permit for a development proposal, by

3131 filing with the department a written application for a ((~~sensitive~~)) critical area designation on a

3132 form provided by the department. If the request is for review of a portion of a site, the application

3133 shall include a map identifying the portion of the site for which the designation is sought.

3134 2. The designation shall be limited to the following determinations:

a. The existence, location, and boundaries of any ~~((stream))~~ aquatic area, wetland, coal mine hazard area, landslide hazard area or steep slope on the site; and

b. The classification of any ~~((stream))~~ aquatic area or wetland.

3. The designation shall not include any evaluation or interpretation of the applicability of ~~((sensitive))~~ critical area buffers or other ~~((sensitive))~~ critical area standards to a future development proposal.

B. In preparing the ~~((sensitive))~~ critical area designation, the department shall perform a ~~((sensitive))~~ critical area review to:

1. Determine whether any ~~((sensitive))~~ critical area that is subject to this designation process exists on the site and confirm its type, location, boundaries and classification;

2. Determine whether a special study is required to identify and characterize the location, boundaries and classification of the ~~((sensitive))~~ critical area;

3. Evaluate the special study, if required; and

4. Document the existence, location and classification of any ~~((sensitive))~~ critical area that is subject to this designation process.

C. If required by the department, the applicant for a ~~((sensitive))~~ critical area designation shall prepare and submit to the department the special study required by subsection B.2((-)) of this section.

D. The department's determination of a ~~((sensitive))~~ critical area designation shall be made in writing within one hundred twenty days after the application for a ~~((sensitive))~~ critical area designation is complete, as provided in K.C.C. 20.20.050. The periods ~~((set forth))~~ in K.C.C. 20.20.100A.1 through ~~((A-))~~5 shall be excluded from the one-hundred-twenty-day period. The written determination made ~~((pursuant to))~~ under this section as to the existence, location~~((;))~~ and

classification of a ((sensitive)) critical area shall be effective for two years from the date the determination is issued. The department shall rely on the determination in its review of a complete application for a permit or approval filed within two years after the determination is issued. If the determination applies to less than an entire site, the determination shall clearly identify the portion of the site to which the determination applies.

E. The applicant for a ((sensitive)) critical area designation shall be responsible for fees as provided in K.C.C. Title 27.

F. If the department designates ((sensitive)) critical areas on a site pursuant to this section, the applicant for a development proposal on that site shall submit proof that a ((sensitive)) critical area notice on title has been filed as required by K.C.C. 21A.24.170.

G. The department by rule may provide for the designation of other ((sensitive)) critical areas identified by this chapter as established by council ordinance in addition to those provided for in this section.

H.1. Except as provided in 2. of this subsection H, the department's determination under this section is final.

2. If the department relies on a ((sensitive)) critical area designation made ((pursuant to)) under this section during its review of an application for a permit or other approval of a development proposal and the permit or other approval is subject to an administrative appeal, any appeal of the designation shall be consolidated with and is subject to the same appeal process as the underlying development proposal. If the King County hearing examiner makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the hearing examiner's decision constitutes the county's final decision on the designation. If the King County council, acting as a quasi-judicial body, makes the county's final

3181 decision with regard to the permit or other approval type for the underlying development proposal,
 3182 the King County council's decision constitutes the county's final decision on the designation.
 3183 (Ord. 14187 § 1, 2001).

3184 NEW SECTION. SECTION 67. There is hereby added to K.C.C. Chapter 21A.24 a new
 3185 section to read as follows:

3186 **Conversion of designated critical areas.**

3187 A. For purposes of determining the minimum buffer widths for a wetland or aquatic area
 3188 that was designated under K.C.C. 21A.24.500 before the effective date of this ordinance for a
 3189 development proposal deemed complete after the effective date of this ordinance, the following
 3190 conversions shall be applied to determine the appropriate wetland or aquatic area classification
 3191 provided in K.C.C. chapter 21A.24 [Section 41 of this ordinance] and K.C.C 21A.24 [Section 47
 3192 of this ordinance]:

3193 1. Aquatic area classifications:

Stream Type (prior 21A.24.360)	Aquatic Area Classification (section 47 of this ordinance)
Class 1	Type S
Class 2	Type F
Class 2S	Type F
Class 3	Type N

3194 2. Wetland classification:

Wetland Class (prior 21A.06.1415)	Wetland Classification (section 41 of this ordinance)
Class 1	Category I
Class 2	Category II
Class 3	Category III

3195 B. As an alternative to the reclassification prescribed in subsections A and B of this
 3196 section, an applicant may request that the wetland or aquatic area be reclassified using the
 3197 criteria set forth in K.C.C. 21A. [Section 42 of this ordinance] and K.C.C. 21A. [Section 49 of this
 3198 ordinance], respectively.

3199 E. This section expires two years after the effective date of this ordinance.

3200 SECTION 68. Ordinance 14187, Section 2, and K.C.C. 21A.24.510 are each hereby
 3201 amended to read as follows:

3202 **Effect of approval of septic system design based on ((sensitive))critical area**
 3203 **designation.** If the department of Seattle-King County public health approves a septic system
 3204 design based on a ((sensitive)) critical area designation made ((pursuant to)) under K.C.C.
 3205 21A.24.500 and the applicant submits a complete application to the department of development
 3206 and environmental services within two years after the date the department of development and
 3207 environmental service issues the ((sensitive)) critical area designation under K.C.C. 21A.24.500,
 3208 the standards of this chapter in effect at the time of the department of Seattle-King County public
 3209 health's approval of the septic system design shall apply to the department of development and
 3210 environmental services's determination of whether the septic system design complies with the
 3211 provisions of this chapter for those ((sensitive)) critical areas for which a ((sensitive)) critical
 3212 area designation has been issued. (Ord. 14187 § 2, 2001).